

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN ASSEMBLY JUNE 15, 2015

AMENDED IN SENATE MAY 19, 2015

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE MARCH 19, 2015

SENATE BILL

No. 196

Introduced by Senator Hancock
(Coauthor: Senator Stone)
(Coauthor: Assembly Member Brown)

February 10, 2015

An act to amend, repeal, and add Sections 15610.07 and 15657.03 of the Welfare and Institutions Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 196, as amended, Hancock. Elder abuse: protective orders.

Existing law authorizes a court to issue a protective order to restrain any person for the purpose of preventing the abuse of an elder or dependent adult. Under existing law, certain persons are authorized to file a petition for these protective orders on behalf of the elder or dependent adult, including a conservator or trustee, an attorney-in-fact, a person appointed as a guardian ad litem, or other person legally authorized to seek the order.

This bill would, commencing July 1, 2016, additionally authorize a county adult protective services agency to file a petition for a protective order on behalf of an elder or dependent adult who has suffered abuse

and has an impaired ability to appreciate and understand the circumstances that place him or her at risk of harm, or who has provided written authorization for the agency to act on his or her behalf. The bill would impose specified requirements on an adult protective services agency that files the petition, including, among others, assisting the elder or dependent adult to attend the hearing and, if a petition to appoint a conservator has not already been filed, referring the elder or dependent adult to the public guardian, as specified. The bill would also recast and clarify the definition of “abuse of an elder or a dependent adult.”

This bill would incorporate additional changes to Section 15657.03 of the Welfare and Institutions Code, proposed by AB 494 and AB 1081, that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2016, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15610.07 of the Welfare and Institutions
2 Code is amended to read:
3 15610.07. (a) “Abuse of an elder or a dependent adult” means
4 either of the following:
5 (1) Physical abuse, neglect, financial abuse, abandonment,
6 isolation, abduction, or other treatment with resulting physical
7 harm or pain or mental suffering.
8 (2) The deprivation by a care custodian of goods or services
9 that are necessary to avoid physical harm or mental suffering.
10 (b) This section shall become inoperative on July 1, 2016, and,
11 as of January 1, 2017, is repealed, unless a later enacted statute,
12 that becomes operative on or before January 1, 2017, deletes or
13 extends the dates on which it becomes inoperative and is repealed.
14 SEC. 2. Section 15610.07 is added to the Welfare and
15 Institutions Code, to read:
16 15610.07. (a) “Abuse of an elder or a dependent adult” means
17 any of the following:
18 (1) Physical abuse, neglect, abandonment, isolation, abduction,
19 or other treatment with resulting physical harm or pain or mental
20 suffering.

1 (2) The deprivation by a care custodian of goods or services
2 that are necessary to avoid physical harm or mental suffering.

3 (3) Financial abuse, as defined in Section 15610.30.

4 (b) This section shall become operative on July 1, 2016.

5 SEC. 3. Section 15657.03 of the Welfare and Institutions Code
6 is amended to read:

7 15657.03. (a) (1) An elder or dependent adult who has suffered
8 ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek
9 protective orders as provided in this section.

10 (2) A petition may be brought on behalf of an abused elder or
11 dependent adult by a conservator or a trustee of the elder or
12 dependent adult, an attorney-in-fact of an elder or dependent adult
13 who acts within the authority of ~~the~~ *a* power of attorney, a person
14 appointed as a guardian ad litem for the elder or dependent adult,
15 or other person legally authorized to seek such relief.

16 (b) For the purposes of this section:

17 (1) "Conservator" means the legally appointed conservator of
18 the person or estate of the petitioner, or both.

19 (2) "Petitioner" means the elder or dependent adult to be
20 protected by the protective orders and, if the court grants the
21 petition, the protected person.

22 (3) "Protective order" means an order that includes any of the
23 following restraining orders, whether issued ex parte, after notice
24 and hearing, or in a judgment:

25 (A) An order enjoining a party from abusing, intimidating,
26 molesting, attacking, striking, stalking, threatening, sexually
27 assaulting, battering, harassing, telephoning, including, but not
28 limited to, making annoying telephone calls as described in Section
29 653m of the Penal Code, destroying personal property, contacting,
30 either directly or indirectly, by mail or otherwise, or coming within
31 a specified distance of, or disturbing the peace of, the petitioner,
32 and, in the discretion of the court, on a showing of good cause, of
33 other named family or household members or a conservator, if
34 any, of the petitioner.

35 (B) An order excluding a party from the petitioner's residence
36 or dwelling, except that this order shall not be issued if legal or
37 equitable title to, or lease of, the residence or dwelling is in the
38 sole name of the party to be excluded, or is in the name of the party
39 to be excluded and any other party besides the petitioner.

1 (C) An order enjoining a party from specified behavior that the
2 court determines is necessary to effectuate orders described in
3 subparagraph (A) or (B).

4 (4) “Respondent” means the person against whom the protective
5 orders are sought and, if the petition is granted, the restrained
6 person.

7 (c) An order may be issued under this section, with or without
8 notice, to restrain any person for the purpose of preventing a
9 recurrence of abuse, if a declaration shows, to the satisfaction of
10 the court, reasonable proof of a past act or acts of abuse of the
11 petitioning elder or dependent adult.

12 (d) Upon filing a petition for protective orders under this section,
13 the petitioner may obtain a temporary restraining order in
14 accordance with Section 527 of the Code of Civil Procedure, except
15 to the extent this section provides a rule that is inconsistent. The
16 temporary restraining order may include any of the protective
17 orders described in paragraph (3) of subdivision (b). However, the
18 court may issue an ex parte order excluding a party from the
19 petitioner’s residence or dwelling only on a showing of all of the
20 following:

21 (1) Facts sufficient for the court to ascertain that the party who
22 will stay in the dwelling has a right under color of law to possession
23 of the premises.

24 (2) That the party to be excluded has assaulted or threatens to
25 assault the petitioner, other named family or household member
26 of the petitioner, or a conservator of the petitioner.

27 (3) That physical or emotional harm would otherwise result to
28 the petitioner, other named family or household member of the
29 petitioner, or a conservator of the petitioner.

30 (e) A request for the issuance of a temporary restraining order
31 without notice under this section shall be granted or denied on the
32 same day that the petition is submitted to the court, unless the
33 petition is filed too late in the day to permit effective review, in
34 which case the order shall be granted or denied on the next day of
35 judicial business in sufficient time for the order to be filed that day
36 with the clerk of the court.

37 (f) Within 21 days, or, if good cause appears to the court, 25
38 days, from the date that a request for a temporary restraining order
39 is granted or denied, a hearing shall be held on the petition. If no
40 request for temporary orders is made, the hearing shall be held

1 within 21 days, or, if good cause appears to the court, 25 days,
2 from the date that the petition is filed.

3 (g) The respondent may file a response that explains or denies
4 the alleged abuse.

5 (h) The court may issue, upon notice and a hearing, any of the
6 orders set forth in paragraph (3) of subdivision (b). The court may
7 issue, after notice and hearing, an order excluding a person from
8 a residence or dwelling if the court finds that physical or emotional
9 harm would otherwise result to the petitioner, other named family
10 or household member of the petitioner, or conservator of the
11 petitioner.

12 (i) (1) In the discretion of the court, an order issued after notice
13 and a hearing under this section may have a duration of not more
14 than five years, subject to termination or modification by further
15 order of the court either on written stipulation filed with the court
16 or on the motion of a party. These orders may be renewed upon
17 the request of a party, either for five years or permanently, without
18 a showing of any further abuse since the issuance of the original
19 order, subject to termination or modification by further order of
20 the court either on written stipulation filed with the court or on the
21 motion of a party. The request for renewal may be brought at any
22 time within the three months before the expiration of the order.

23 (2) The failure to state the expiration date on the face of the
24 form creates an order with a duration of three years from the date
25 of issuance.

26 (3) If an action is filed for the purpose of terminating or
27 modifying a protective order prior to the expiration date specified
28 in the order by a party other than the protected party, the party
29 who is protected by the order shall be given notice, pursuant to
30 subdivision (b) of Section 1005 of the Code of Civil Procedure,
31 of the proceeding by personal service or, if the protected party has
32 satisfied the requirements of Chapter 3.1 (commencing with
33 Section 6205) of Division 7 of Title 1 of the Government Code,
34 by service on the Secretary of State. If the party who is protected
35 by the order cannot be notified prior to the hearing for modification
36 or termination of the protective order, the court shall deny the
37 motion to modify or terminate the order without prejudice or
38 continue the hearing until the party who is protected can be
39 properly noticed and may, upon a showing of good cause, specify
40 another method for service of process that is reasonably designed

1 to afford actual notice to the protected party. The protected party
2 may waive his or her right to notice if he or she is physically
3 present in court and does not challenge the sufficiency of the notice.

4 (j) In a proceeding under this section, a support person may
5 accompany a party in court and, if the party is not represented by
6 an attorney, may sit with the party at the table that is generally
7 reserved for the party and the party's attorney. The support person
8 is present to provide moral and emotional support for a person
9 who alleges he or she is a victim of abuse. The support person is
10 not present as a legal adviser and may not provide legal advice.
11 The support person may assist the person who alleges he or she is
12 a victim of abuse in feeling more confident that he or she will not
13 be injured or threatened by the other party during the proceedings
14 if the person who alleges he or she is a victim of abuse and the
15 other party are required to be present in close proximity. This
16 subdivision does not preclude the court from exercising its
17 discretion to remove the support person from the courtroom if the
18 court believes the support person is prompting, swaying, or
19 influencing the party assisted by the support person.

20 (k) Upon the filing of a petition for protective orders under this
21 section, the respondent shall be personally served with a copy of
22 the petition, notice of the hearing or order to show cause, temporary
23 restraining order, if any, and any declarations in support of the
24 petition. Service shall be made at least five days before the hearing.
25 The court may, on motion of the petitioner or on its own motion,
26 shorten the time for service on the respondent.

27 (l) A notice of hearing under this section shall notify the
28 respondent that if he or she does not attend the hearing, the court
29 may make orders against him or her that could last up to five years.

30 (m) (1) The court may, upon the filing of a declaration by the
31 petitioner that the respondent could not be served within the time
32 required by statute, reissue an order previously issued and dissolved
33 by the court for failure to serve the respondent. The reissued order
34 shall remain in effect until the date set for the hearing.

35 (2) The reissued order shall state on its face the date of
36 expiration of the order.

37 (n) (1) If a respondent, named in an order issued under this
38 section after a hearing, has not been served personally with the
39 order but has received actual notice of the existence and substance
40 of the order through personal appearance in court to hear the terms

1 of the order from the court, no additional proof of service is
2 required for enforcement of the order.

3 (2) If the respondent named in a temporary restraining order is
4 personally served with the order and notice of hearing with respect
5 to a restraining order or protective order based on the temporary
6 restraining order, but the respondent does not appear at the hearing,
7 either personally or by an attorney, and the terms and conditions
8 of the restraining order or protective order issued at the hearing
9 are identical to the temporary restraining order, except for the
10 duration of the order, then the restraining order or protective order
11 issued at the hearing may be served on the respondent by first-class
12 mail sent to the respondent at the most current address for the
13 respondent that is available to the court.

14 (3) The Judicial Council form for temporary orders issued
15 pursuant to this subdivision shall contain a statement in
16 substantially the following form:

17
18 “If you have been personally served with a temporary restraining
19 order and notice of hearing, but you do not appear at the hearing
20 either in person or by a lawyer, and a restraining order that is the
21 same as this temporary restraining order except for the expiration
22 date is issued at the hearing, a copy of the order will be served on
23 you by mail at the following address: ____.

24 If that address is not correct or you wish to verify that the
25 temporary restraining order was converted to a restraining order
26 at the hearing without substantive change and to find out the
27 duration of that order, contact the clerk of the court.”

28
29 (o) (1) Information on ~~any~~ a protective order relating to elder
30 or dependent adult abuse issued by a court pursuant to this section
31 shall be transmitted to the Department of Justice in accordance
32 with either paragraph (2) or (3).

33 (2) The court shall order the petitioner or the attorney for the
34 petitioner to deliver a copy of an order issued under this section,
35 or a reissuance, extension, modification, or termination of the
36 order, and any subsequent proof of service, by the close of the
37 business day on which the order, reissuance, extension,
38 modification, or termination was made, to each law enforcement
39 agency having jurisdiction over the residence of the petitioner, and

1 to any additional law enforcement agencies within the court's
2 discretion as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within
4 one business day, to law enforcement personnel all information
5 required under subdivision (b) of Section 6380 of the Family Code
6 regarding any order issued under this section, or a reissuance,
7 extension, modification, or termination of the order, and any
8 subsequent proof of service, by either one of the following
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service
11 to a local law enforcement agency authorized by the Department
12 of Justice to enter orders into the California Law Enforcement
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make
17 available information as to the existence and current status of these
18 orders to law enforcement officers responding to the scene of
19 reported abuse.

20 (5) An order issued under this section shall, on request of the
21 petitioner, be served on the respondent, whether or not the
22 respondent has been taken into custody, by any law enforcement
23 officer who is present at the scene of reported abuse involving the
24 parties to the proceeding. The petitioner shall provide the officer
25 with an endorsed copy of the order and a proof of service, which
26 the officer shall complete and send to the issuing court.

27 (6) Upon receiving information at the scene of an incident of
28 abuse that a protective order has been issued under this section,
29 or that a person who has been taken into custody is the respondent
30 to that order, if the protected person cannot produce an endorsed
31 copy of the order, a law enforcement officer shall immediately
32 attempt to verify the existence of the order.

33 (7) If the law enforcement officer determines that a protective
34 order has been issued, but not served, the officer shall immediately
35 notify the respondent of the terms of the order and where a written
36 copy of the order can be obtained, and the officer shall at that time
37 also enforce the order. The law enforcement officer's verbal notice
38 of the terms of the order shall constitute service of the order and
39 is sufficient notice for the purposes of this section and for the
40 purposes of Section 273.6 of the Penal Code.

1 (p) Nothing in this section shall preclude either party from
2 representation by private counsel or from appearing on the party's
3 own behalf.

4 (q) There is no filing fee for a petition, response, or paper
5 seeking the reissuance, modification, or enforcement of a protective
6 order filed in a proceeding brought pursuant to this section.

7 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2
8 of the Government Code, a petitioner shall not be required to pay
9 a fee for law enforcement to serve an order issued under this
10 section.

11 (s) The prevailing party in ~~any~~ *an* action brought under this
12 section may be awarded court costs and attorney's fees, if any.

13 (t) (1) A person subject to a protective order under this section
14 shall not own, possess, purchase, receive, or attempt to receive a
15 firearm or ammunition while the protective order is in effect.

16 (2) The court shall order a person subject to a protective order
17 issued under this section to relinquish any firearms he or she owns
18 or possesses pursuant to Section 527.9 of the Code of Civil
19 Procedure.

20 (3) Every person who owns, possesses, purchases, or receives,
21 or attempts to purchase or receive a firearm or ammunition while
22 subject to a protective order issued under this section is punishable
23 pursuant to Section 29825 of the Penal Code.

24 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
25 *a* protective order issued under this section was made solely on
26 the basis of financial abuse unaccompanied by force, threat,
27 harassment, intimidation, or any other form of abuse.

28 (u) Any willful disobedience of any temporary restraining order
29 or restraining order after hearing granted under this section is
30 punishable pursuant to Section 273.6 of the Penal Code.

31 (v) This section does not apply to any action or proceeding
32 governed by Title 1.6C (commencing with Section 1788) of Part
33 4 of Division 3 of the Civil Code, Chapter 3 (commencing with
34 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
35 or Division 10 (commencing with Section 6200) of the Family
36 Code. Nothing in this section shall preclude a petitioner's right to
37 use other existing civil remedies.

38 (w) The Judicial Council shall develop forms, instructions, and
39 rules relating to matters governed by this section. The petition and

1 response forms shall be simple and concise, and their use by parties
2 in actions brought pursuant to this section shall be mandatory.

3 (x) This section shall become inoperative on July 1, 2016, and,
4 as of January 1, 2017, is repealed, unless a later enacted statute,
5 that becomes operative on or before January 1, 2017, deletes or
6 extends the dates on which it becomes inoperative and is repealed.

7 *SEC. 3.1. Section 15657.03 of the Welfare and Institutions*
8 *Code is amended to read:*

9 15657.03. (a) (1) An elder or dependent adult who has suffered
10 ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek
11 protective orders as provided in this section.

12 (2) A petition may be brought on behalf of an abused elder or
13 dependent adult by a conservator or a trustee of the elder or
14 dependent adult, an attorney-in-fact of an elder or dependent adult
15 who acts within the authority of ~~the~~ *a* power of attorney, a person
16 appointed as a guardian ad litem for the elder or dependent adult,
17 or other person legally authorized to seek such relief.

18 (b) For the purposes of this section:

19 (1) “Conservator” means the legally appointed conservator of
20 the person or estate of the petitioner, or both.

21 (2) “Petitioner” means the elder or dependent adult to be
22 protected by the protective orders and, if the court grants the
23 petition, the protected person.

24 (3) “Protective order” means an order that includes any of the
25 following restraining orders, whether issued ex parte, after notice
26 and hearing, or in a judgment:

27 (A) An order enjoining a party from abusing, intimidating,
28 molesting, attacking, striking, stalking, threatening, sexually
29 assaulting, battering, harassing, telephoning, including, but not
30 limited to, making annoying telephone calls as described in Section
31 653m of the Penal Code, destroying personal property, contacting,
32 either directly or indirectly, by mail or otherwise, or coming within
33 a specified distance of, or disturbing the peace of, the petitioner,
34 and, in the discretion of the court, on a showing of good cause, of
35 other named family or household members or a conservator, if
36 any, of the petitioner. *On a showing of good cause, in an order*
37 *issued pursuant to this subparagraph in connection with an animal*
38 *owned, possessed, leased, kept, or held by the petitioner, or*
39 *residing in the residence or household of the petitioner, the court*
40 *may do either or both of the following:*

1 (i) *Grant the petitioner exclusive care, possession, or control*
2 *of the animal.*

3 (ii) *Order the respondent to stay away from the animal and*
4 *refrain from taking, transferring, encumbering, concealing,*
5 *molesting, attacking, striking, threatening, harming, or otherwise*
6 *disposing of the animal.*

7 (B) An order excluding a party from the petitioner’s residence
8 or dwelling, except that this order shall not be issued if legal or
9 equitable title to, or lease of, the residence or dwelling is in the
10 sole name of the party to be excluded, or is in the name of the party
11 to be excluded and any other party besides the petitioner.

12 (C) An order enjoining a party from specified behavior that the
13 court determines is necessary to effectuate orders described in
14 subparagraph (A) or (B).

15 (4) “Respondent” means the person against whom the protective
16 orders are sought and, if the petition is granted, the restrained
17 person.

18 (c) An order may be issued under this section, with or without
19 notice, to restrain any person for the purpose of preventing a
20 recurrence of abuse, if a declaration shows, to the satisfaction of
21 the court, reasonable proof of a past act or acts of abuse of the
22 petitioning elder or dependent adult.

23 (d) Upon filing a petition for protective orders under this section,
24 the petitioner may obtain a temporary restraining order in
25 accordance with Section 527 of the Code of Civil Procedure, except
26 to the extent this section provides a rule that is inconsistent. The
27 temporary restraining order may include any of the protective
28 orders described in paragraph (3) of subdivision (b). However, the
29 court may issue an ex parte order excluding a party from the
30 petitioner’s residence or dwelling only on a showing of all of the
31 following:

32 (1) Facts sufficient for the court to ascertain that the party who
33 will stay in the dwelling has a right under color of law to possession
34 of the premises.

35 (2) That the party to be excluded has assaulted or threatens to
36 assault the petitioner, other named family or household member
37 of the petitioner, or a conservator of the petitioner.

38 (3) That physical or emotional harm would otherwise result to
39 the petitioner, other named family or household member of the
40 petitioner, or a conservator of the petitioner.

1 (e) A request for the issuance of a temporary restraining order
2 without notice under this section shall be granted or denied on the
3 same day that the petition is submitted to the court, unless the
4 petition is filed too late in the day to permit effective review, in
5 which case the order shall be granted or denied on the next day of
6 judicial business in sufficient time for the order to be filed that day
7 with the clerk of the court.

8 (f) Within 21 days, or, if good cause appears to the court, 25
9 days, from the date that a request for a temporary restraining order
10 is granted or denied, a hearing shall be held on the petition. If no
11 request for temporary orders is made, the hearing shall be held
12 within 21 days, or, if good cause appears to the court, 25 days,
13 from the date that the petition is filed.

14 (g) The respondent may file a response that explains or denies
15 the alleged abuse.

16 (h) The court may issue, upon notice and a hearing, any of the
17 orders set forth in paragraph (3) of subdivision (b). The court may
18 issue, after notice and hearing, an order excluding a person from
19 a residence or dwelling if the court finds that physical or emotional
20 harm would otherwise result to the petitioner, other named family
21 or household member of the petitioner, or conservator of the
22 petitioner.

23 (i) (1) In the discretion of the court, an order issued after notice
24 and a hearing under this section may have a duration of not more
25 than five years, subject to termination or modification by further
26 order of the court either on written stipulation filed with the court
27 or on the motion of a party. These orders may be renewed upon
28 the request of a party, either for five years or permanently, without
29 a showing of any further abuse since the issuance of the original
30 order, subject to termination or modification by further order of
31 the court either on written stipulation filed with the court or on the
32 motion of a party. The request for renewal may be brought at any
33 time within the three months before the expiration of the order.

34 (2) The failure to state the expiration date on the face of the
35 form creates an order with a duration of three years from the date
36 of issuance.

37 (3) If an action is filed for the purpose of terminating or
38 modifying a protective order prior to the expiration date specified
39 in the order by a party other than the protected party, the party
40 who is protected by the order shall be given notice, pursuant to

1 subdivision (b) of Section 1005 of the Code of Civil Procedure,
2 of the proceeding by personal service or, if the protected party has
3 satisfied the requirements of Chapter 3.1 (commencing with
4 Section 6205) of Division 7 of Title 1 of the Government Code,
5 by service on the Secretary of State. If the party who is protected
6 by the order cannot be notified prior to the hearing for modification
7 or termination of the protective order, the court shall deny the
8 motion to modify or terminate the order without prejudice or
9 continue the hearing until the party who is protected can be
10 properly noticed and may, upon a showing of good cause, specify
11 another method for service of process that is reasonably designed
12 to afford actual notice to the protected party. The protected party
13 may waive his or her right to notice if he or she is physically
14 present in court and does not challenge the sufficiency of the notice.

15 (j) In a proceeding under this section, a support person may
16 accompany a party in court and, if the party is not represented by
17 an attorney, may sit with the party at the table that is generally
18 reserved for the party and the party's attorney. The support person
19 is present to provide moral and emotional support for a person
20 who alleges he or she is a victim of abuse. The support person is
21 not present as a legal adviser and may not provide legal advice.
22 The support person may assist the person who alleges he or she is
23 a victim of abuse in feeling more confident that he or she will not
24 be injured or threatened by the other party during the proceedings
25 if the person who alleges he or she is a victim of abuse and the
26 other party are required to be present in close proximity. This
27 subdivision does not preclude the court from exercising its
28 discretion to remove the support person from the courtroom if the
29 court believes the support person is prompting, swaying, or
30 influencing the party assisted by the support person.

31 (k) Upon the filing of a petition for protective orders under this
32 section, the respondent shall be personally served with a copy of
33 the petition, notice of the hearing or order to show cause, temporary
34 restraining order, if any, and any declarations in support of the
35 petition. Service shall be made at least five days before the hearing.
36 The court may, on motion of the petitioner or on its own motion,
37 shorten the time for service on the respondent.

38 (l) A notice of hearing under this section shall notify the
39 respondent that if he or she does not attend the hearing, the court
40 may make orders against him or her that could last up to five years.

1 (m) (1) The court may, upon the filing of a declaration by the
2 petitioner that the respondent could not be served within the time
3 required by statute, reissue an order previously issued and dissolved
4 by the court for failure to serve the respondent. The reissued order
5 shall remain in effect until the date set for the hearing.

6 (2) The reissued order shall state on its face the date of
7 expiration of the order.

8 (n) (1) If a respondent, named in an order issued under this
9 section after a hearing, has not been served personally with the
10 order but has received actual notice of the existence and substance
11 of the order through personal appearance in court to hear the terms
12 of the order from the court, no additional proof of service is
13 required for enforcement of the order.

14 (2) If the respondent named in a temporary restraining order is
15 personally served with the order and notice of hearing with respect
16 to a restraining order or protective order based on the temporary
17 restraining order, but the respondent does not appear at the hearing,
18 either personally or by an attorney, and the terms and conditions
19 of the restraining order or protective order issued at the hearing
20 are identical to the temporary restraining order, except for the
21 duration of the order, then the restraining order or protective order
22 issued at the hearing may be served on the respondent by first-class
23 mail sent to the respondent at the most current address for the
24 respondent that is available to the court.

25 (3) The Judicial Council form for temporary orders issued
26 pursuant to this subdivision shall contain a statement in
27 substantially the following form:

28
29 “If you have been personally served with a temporary restraining
30 order and notice of hearing, but you do not appear at the hearing
31 either in person or by a lawyer, and a restraining order that is the
32 same as this temporary restraining order except for the expiration
33 date is issued at the hearing, a copy of the order will be served on
34 you by mail at the following address: ____.

35 If that address is not correct or you wish to verify that the
36 temporary restraining order was converted to a restraining order
37 at the hearing without substantive change and to find out the
38 duration of that order, contact the clerk of the court.”
39

1 (o) (1) Information on ~~any~~ a protective order relating to elder
2 or dependent adult abuse issued by a court pursuant to this section
3 shall be transmitted to the Department of Justice in accordance
4 with either paragraph (2) or (3).

5 (2) The court shall order the petitioner or the attorney for the
6 petitioner to deliver a copy of an order issued under this section,
7 or a reissuance, extension, modification, or termination of the
8 order, and any subsequent proof of service, by the close of the
9 business day on which the order, reissuance, extension,
10 modification, or termination was made, to each law enforcement
11 agency having jurisdiction over the residence of the petitioner, and
12 to any additional law enforcement agencies within the court's
13 discretion as are requested by the petitioner.

14 (3) Alternatively, the court or its designee shall transmit, within
15 one business day, to law enforcement personnel all information
16 required under subdivision (b) of Section 6380 of the Family Code
17 regarding any order issued under this section, or a reissuance,
18 extension, modification, or termination of the order, and any
19 subsequent proof of service, by either one of the following
20 methods:

21 (A) Transmitting a physical copy of the order or proof of service
22 to a local law enforcement agency authorized by the Department
23 of Justice to enter orders into the California Law Enforcement
24 Telecommunications System (CLETS).

25 (B) With the approval of the Department of Justice, entering
26 the order or proof of service into CLETS directly.

27 (4) Each appropriate law enforcement agency shall make
28 available information as to the existence and current status of these
29 orders to law enforcement officers responding to the scene of
30 reported abuse.

31 (5) An order issued under this section shall, on request of the
32 petitioner, be served on the respondent, whether or not the
33 respondent has been taken into custody, by any law enforcement
34 officer who is present at the scene of reported abuse involving the
35 parties to the proceeding. The petitioner shall provide the officer
36 with an endorsed copy of the order and a proof of service, which
37 the officer shall complete and send to the issuing court.

38 (6) Upon receiving information at the scene of an incident of
39 abuse that a protective order has been issued under this section,
40 or that a person who has been taken into custody is the respondent

1 to that order, if the protected person cannot produce an endorsed
2 copy of the order, a law enforcement officer shall immediately
3 attempt to verify the existence of the order.

4 (7) If the law enforcement officer determines that a protective
5 order has been issued, but not served, the officer shall immediately
6 notify the respondent of the terms of the order and where a written
7 copy of the order can be obtained, and the officer shall at that time
8 also enforce the order. The law enforcement officer's verbal notice
9 of the terms of the order shall constitute service of the order and
10 is sufficient notice for the purposes of this section and for the
11 purposes of Section 273.6 of the Penal Code.

12 (p) Nothing in this section shall preclude either party from
13 representation by private counsel or from appearing on the party's
14 own behalf.

15 (q) There is no filing fee for a petition, response, or paper
16 seeking the reissuance, modification, or enforcement of a protective
17 order filed in a proceeding brought pursuant to this section.

18 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2
19 of the Government Code, a petitioner shall not be required to pay
20 a fee for law enforcement to serve an order issued under this
21 section.

22 (s) The prevailing party in ~~any~~ *an* action brought under this
23 section may be awarded court costs and attorney's fees, if any.

24 (t) (1) A person subject to a protective order under this section
25 shall not own, possess, purchase, receive, or attempt to receive a
26 firearm or ammunition while the protective order is in effect.

27 (2) The court shall order a person subject to a protective order
28 issued under this section to relinquish any firearms he or she owns
29 or possesses pursuant to Section 527.9 of the Code of Civil
30 Procedure.

31 (3) Every person who owns, possesses, purchases, or receives,
32 or attempts to purchase or receive a firearm or ammunition while
33 subject to a protective order issued under this section is punishable
34 pursuant to Section 29825 of the Penal Code.

35 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
36 *a* protective order issued under this section was made solely on
37 the basis of financial abuse unaccompanied by force, threat,
38 harassment, intimidation, or any other form of abuse.

1 (u) Any willful disobedience of any temporary restraining order
2 or restraining order after hearing granted under this section is
3 punishable pursuant to Section 273.6 of the Penal Code.

4 (v) This section does not apply to any action or proceeding
5 governed by Title 1.6C (commencing with Section 1788) of Part
6 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with
7 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
8 or ~~by~~ Division 10 (commencing with Section 6200) of the Family
9 Code. Nothing in this section shall preclude a petitioner's right to
10 use other existing civil remedies.

11 (w) The Judicial Council shall develop forms, instructions, and
12 rules relating to matters governed by this section. The petition and
13 response forms shall be simple and concise, and their use by parties
14 in actions brought pursuant to this section shall be mandatory.

15 *(x) This section shall become inoperative on July 1, 2016, and,*
16 *as of January 1, 2017, is repealed, unless a later enacted statute,*
17 *that becomes operative on or before January 1, 2017, deletes or*
18 *extends the dates on which it becomes inoperative and is repealed.*

19 SEC. 3.2. Section 15657.03 of the Welfare and Institutions
20 Code is amended to read:

21 15657.03. (a) (1) An elder or dependent adult who has suffered
22 ~~abuse~~ abuse, as defined in Section ~~15610.07~~ 15610.07, may seek
23 protective orders as provided in this section.

24 (2) A petition may be brought on behalf of an abused elder or
25 dependent adult by a conservator or a trustee of the elder or
26 dependent adult, an attorney-in-fact of an elder or dependent adult
27 who acts within the authority of ~~the~~ a power of attorney, a person
28 appointed as a guardian ad litem for the elder or dependent adult,
29 or other person legally authorized to seek such relief.

30 (b) For the purposes of this section:

31 (1) "Conservator" means the legally appointed conservator of
32 the person or estate of the petitioner, or both.

33 (2) "Petitioner" means the elder or dependent adult to be
34 protected by the protective orders and, if the court grants the
35 petition, the protected person.

36 (3) "Protective order" means an order that includes any of the
37 following restraining orders, whether issued ex parte, after notice
38 and hearing, or in a judgment:

39 (A) An order enjoining a party from abusing, intimidating,
40 molesting, attacking, striking, stalking, threatening, sexually

1 assaulting, battering, harassing, telephoning, including, but not
2 limited to, making annoying telephone calls as described in Section
3 653m of the Penal Code, destroying personal property, contacting,
4 either directly or indirectly, by mail or otherwise, or coming within
5 a specified distance of, or disturbing the peace of, the petitioner,
6 and, in the discretion of the court, on a showing of good cause, of
7 other named family or household members or a conservator, if
8 any, of the petitioner.

9 (B) An order excluding a party from the petitioner's residence
10 or dwelling, except that this order shall not be issued if legal or
11 equitable title to, or lease of, the residence or dwelling is in the
12 sole name of the party to be excluded, or is in the name of the party
13 to be excluded and any other party besides the petitioner.

14 (C) An order enjoining a party from specified behavior that the
15 court determines is necessary to effectuate orders described in
16 subparagraph (A) or (B).

17 (4) "Respondent" means the person against whom the protective
18 orders are sought and, if the petition is granted, the restrained
19 person.

20 (c) An order may be issued under this section, with or without
21 notice, to restrain any person for the purpose of preventing a
22 recurrence of abuse, if a declaration shows, to the satisfaction of
23 the court, reasonable proof of a past act or acts of abuse of the
24 petitioning elder or dependent adult.

25 (d) Upon filing a petition for protective orders under this section,
26 the petitioner may obtain a temporary restraining order in
27 accordance with Section 527 of the Code of Civil Procedure, except
28 to the extent this section provides a rule that is inconsistent. The
29 temporary restraining order may include any of the protective
30 orders described in paragraph (3) of subdivision (b). However, the
31 court may issue an ex parte order excluding a party from the
32 petitioner's residence or dwelling only on a showing of all of the
33 following:

34 (1) Facts sufficient for the court to ascertain that the party who
35 will stay in the dwelling has a right under color of law to possession
36 of the premises.

37 (2) That the party to be excluded has assaulted or threatens to
38 assault the petitioner, other named family or household member
39 of the petitioner, or a conservator of the petitioner.

1 (3) That physical or emotional harm would otherwise result to
2 the petitioner, other named family or household member of the
3 petitioner, or a conservator of the petitioner.

4 (e) A request for the issuance of a temporary restraining order
5 without notice under this section shall be granted or denied on the
6 same day that the petition is submitted to the court, unless the
7 petition is filed too late in the day to permit effective review, in
8 which case the order shall be granted or denied on the next day of
9 judicial business in sufficient time for the order to be filed that day
10 with the clerk of the court.

11 (f) Within 21 days, or, if good cause appears to the court, 25
12 days, from the date that a request for a temporary restraining order
13 is granted or denied, a hearing shall be held on the petition. If no
14 request for temporary orders is made, the hearing shall be held
15 within 21 days, or, if good cause appears to the court, 25 days,
16 from the date that the petition is filed.

17 (g) The respondent may file a response that explains or denies
18 the alleged abuse.

19 (h) The court may issue, upon notice and a hearing, any of the
20 orders set forth in paragraph (3) of subdivision (b). The court may
21 issue, after notice and hearing, an order excluding a person from
22 a residence or dwelling if the court finds that physical or emotional
23 harm would otherwise result to the petitioner, other named family
24 or household member of the petitioner, or conservator of the
25 petitioner.

26 (i) (1) In the discretion of the court, an order issued after notice
27 and a hearing under this section may have a duration of not more
28 than five years, subject to termination or modification by further
29 order of the court either on written stipulation filed with the court
30 or on the motion of a party. These orders may be renewed upon
31 the request of a party, either for five years or permanently, without
32 a showing of any further abuse since the issuance of the original
33 order, subject to termination or modification by further order of
34 the court either on written stipulation filed with the court or on the
35 motion of a party. The request for renewal may be brought at any
36 time within the three months before the expiration of the order.

37 (2) The failure to state the expiration date on the face of the
38 form creates an order with a duration of three years from the date
39 of issuance.

1 (3) If an action is filed for the purpose of terminating or
2 modifying a protective order prior to the expiration date specified
3 in the order by a party other than the protected party, the party
4 who is protected by the order shall be given notice, pursuant to
5 subdivision (b) of Section 1005 of the Code of Civil Procedure,
6 of the proceeding by personal service or, if the protected party has
7 satisfied the requirements of Chapter 3.1 (commencing with
8 Section 6205) of Division 7 of Title 1 of the Government Code,
9 by service on the Secretary of State. If the party who is protected
10 by the order cannot be notified prior to the hearing for modification
11 or termination of the protective order, the court shall deny the
12 motion to modify or terminate the order without prejudice or
13 continue the hearing until the party who is protected can be
14 properly noticed and may, upon a showing of good cause, specify
15 another method for service of process that is reasonably designed
16 to afford actual notice to the protected party. The protected party
17 may waive his or her right to notice if he or she is physically
18 present in court and does not challenge the sufficiency of the notice.

19 (j) In a proceeding under this section, a support person may
20 accompany a party in court and, if the party is not represented by
21 an attorney, may sit with the party at the table that is generally
22 reserved for the party and the party's attorney. The support person
23 is present to provide moral and emotional support for a person
24 who alleges he or she is a victim of abuse. The support person is
25 not present as a legal adviser and may not provide legal advice.
26 The support person may assist the person who alleges he or she is
27 a victim of abuse in feeling more confident that he or she will not
28 be injured or threatened by the other party during the proceedings
29 if the person who alleges he or she is a victim of abuse and the
30 other party are required to be present in close proximity. This
31 subdivision does not preclude the court from exercising its
32 discretion to remove the support person from the courtroom if the
33 court believes the support person is prompting, swaying, or
34 influencing the party assisted by the support person.

35 (k) Upon the filing of a petition for protective orders under this
36 section, the respondent shall be personally served with a copy of
37 the petition, notice of the hearing or order to show cause, temporary
38 restraining order, if any, and any declarations in support of the
39 petition. Service shall be made at least five days before the hearing.

1 The court may, on motion of the petitioner or on its own motion,
2 shorten the time for service on the respondent.

3 (l) A notice of hearing under this section shall notify the
4 respondent that if he or she does not attend the hearing, the court
5 may make orders against him or her that could last up to five years.

6 ~~(m) (1) The court may, upon the filing of a declaration by the~~
7 ~~petitioner that the respondent could not be served within the time~~
8 ~~required by statute, reissue an order previously issued and dissolved~~
9 ~~by the court for failure to serve the respondent. The reissued order~~
10 ~~shall remain in effect until the date set for the hearing.~~

11 ~~(2) The reissued order shall state on its face the date of~~
12 ~~expiration of the order.~~

13 (m) *The respondent shall be entitled, as a matter of course, to*
14 *one continuance, for a reasonable period, to respond to the*
15 *petition.*

16 (n) (1) *Either party may request a continuance of the hearing,*
17 *which the court shall grant on a showing of good cause. The*
18 *request may be made in writing before or at the hearing or orally*
19 *at the hearing. The court may also grant a continuance on its own*
20 *motion.*

21 (2) *If the court grants a continuance, any temporary restraining*
22 *order that has been granted shall remain in effect until the end of*
23 *the continued hearing, unless otherwise ordered by the court. In*
24 *granting a continuance, the court may modify or terminate a*
25 *temporary restraining order.*

26 ~~(n)~~

27 (o) (1) If a respondent, named in an order issued under this
28 section after a hearing, has not been served personally with the
29 order but has received actual notice of the existence and substance
30 of the order through personal appearance in court to hear the terms
31 of the order from the court, no additional proof of service is
32 required for enforcement of the order.

33 (2) If the respondent named in a temporary restraining order is
34 personally served with the order and notice of hearing with respect
35 to a restraining order or protective order based on the temporary
36 restraining order, but the respondent does not appear at the hearing,
37 either personally or by an attorney, and the terms and conditions
38 of the restraining order or protective order issued at the hearing
39 are identical to the temporary restraining order, except for the
40 duration of the order, then the restraining order or protective order

1 issued at the hearing may be served on the respondent by first-class
2 mail sent to the respondent at the most current address for the
3 respondent that is available to the court.

4 (3) The Judicial Council form for temporary orders issued
5 pursuant to this subdivision shall contain a statement in
6 substantially the following form:

7
8 “If you have been personally served with a temporary restraining
9 order and notice of hearing, but you do not appear at the hearing
10 either in person or by a lawyer, and a restraining order that is the
11 same as this temporary restraining order except for the expiration
12 date is issued at the hearing, a copy of the order will be served on
13 you by mail at the following address: ____.

14 If that address is not correct or you wish to verify that the
15 temporary restraining order was converted to a restraining order
16 at the hearing without substantive change and to find out the
17 duration of that order, contact the clerk of the court.”

18
19 (e)

20 (p) (1) Information on ~~any~~ a protective order relating to elder
21 or dependent adult abuse issued by a court pursuant to this section
22 shall be transmitted to the Department of Justice in accordance
23 with either paragraph (2) or (3).

24 (2) The court shall order the petitioner or the attorney for the
25 petitioner to deliver a copy of an order issued under this section,
26 or a reissuance, extension, modification, or termination of the
27 order, and any subsequent proof of service, by the close of the
28 business day on which the order, reissuance, extension,
29 modification, or termination was made, to each law enforcement
30 agency having jurisdiction over the residence of the petitioner, and
31 to any additional law enforcement agencies within the court’s
32 discretion as are requested by the petitioner.

33 (3) Alternatively, the court or its designee shall transmit, within
34 one business day, to law enforcement personnel all information
35 required under subdivision (b) of Section 6380 of the Family Code
36 regarding any order issued under this section, or a reissuance,
37 extension, modification, or termination of the order, and any
38 subsequent proof of service, by either one of the following
39 methods:

1 (A) Transmitting a physical copy of the order or proof of service
2 to a local law enforcement agency authorized by the Department
3 of Justice to enter orders into the California Law Enforcement
4 Telecommunications System (CLETS).

5 (B) With the approval of the Department of Justice, entering
6 the order or proof of service into CLETS directly.

7 (4) Each appropriate law enforcement agency shall make
8 available information as to the existence and current status of these
9 orders to law enforcement officers responding to the scene of
10 reported abuse.

11 (5) An order issued under this section shall, on request of the
12 petitioner, be served on the respondent, whether or not the
13 respondent has been taken into custody, by any law enforcement
14 officer who is present at the scene of reported abuse involving the
15 parties to the proceeding. The petitioner shall provide the officer
16 with an endorsed copy of the order and a proof of service, which
17 the officer shall complete and send to the issuing court.

18 (6) Upon receiving information at the scene of an incident of
19 abuse that a protective order has been issued under this section,
20 or that a person who has been taken into custody is the respondent
21 to that order, if the protected person cannot produce an endorsed
22 copy of the order, a law enforcement officer shall immediately
23 attempt to verify the existence of the order.

24 (7) If the law enforcement officer determines that a protective
25 order has been issued, but not served, the officer shall immediately
26 notify the respondent of the terms of the order and where a written
27 copy of the order can be obtained, and the officer shall at that time
28 also enforce the order. The law enforcement officer's verbal notice
29 of the terms of the order shall constitute service of the order and
30 is sufficient notice for the purposes of this section and for the
31 purposes of Section 273.6 of the Penal Code.

32 ~~(p)~~

33 (q) Nothing in this section shall preclude either party from
34 representation by private counsel or from appearing on the party's
35 own behalf.

36 ~~(q)~~

37 (r) There is no filing fee for a petition, response, or paper
38 seeking the reissuance, modification, or enforcement of a protective
39 order filed in a proceeding brought pursuant to this section.

40 ~~(r)~~

1 (s) Pursuant to paragraph (4) of subdivision (b) of Section
2 6103.2 of the Government Code, a petitioner shall not be required
3 to pay a fee for law enforcement to serve an order issued under
4 this section.

5 ~~(s)~~

6 (t) The prevailing party in ~~any~~ *an* action brought under this
7 section may be awarded court costs and attorney's fees, if any.

8 ~~(t)~~

9 (u) (1) A person subject to a protective order under this section
10 shall not own, possess, purchase, receive, or attempt to receive a
11 firearm or ammunition while the protective order is in effect.

12 (2) The court shall order a person subject to a protective order
13 issued under this section to relinquish any firearms he or she owns
14 or possesses pursuant to Section 527.9 of the Code of Civil
15 Procedure.

16 (3) Every person who owns, possesses, purchases, or receives,
17 or attempts to purchase or receive a firearm or ammunition while
18 subject to a protective order issued under this section is punishable
19 pursuant to Section 29825 of the Penal Code.

20 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
21 *a* protective order issued under this section was made solely on
22 the basis of financial abuse unaccompanied by force, threat,
23 harassment, intimidation, or any other form of abuse.

24 ~~(t)~~

25 (v) Any willful disobedience of any temporary restraining order
26 or restraining order after hearing granted under this section is
27 punishable pursuant to Section 273.6 of the Penal Code.

28 ~~(v)~~

29 (w) This section does not apply to any action or proceeding
30 governed by Title 1.6C (commencing with Section 1788) of Part
31 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with
32 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
33 or ~~by~~ Division 10 (commencing with Section 6200) of the Family
34 Code. Nothing in this section shall preclude a petitioner's right to
35 use other existing civil remedies.

36 ~~(w)~~

37 (x) The Judicial Council shall develop forms, instructions, and
38 rules relating to matters governed by this section. The petition and
39 response forms shall be simple and concise, and their use by parties
40 in actions brought pursuant to this section shall be mandatory.

1 (y) *This section shall become inoperative on July 1, 2016, and,*
2 *as of January 1, 2017, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2017, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 3.3. *Section 15657.03 of the Welfare and Institutions*
6 *Code is amended to read:*

7 15657.03. (a) (1) An elder or dependent adult who has suffered
8 ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek
9 protective orders as provided in this section.

10 (2) A petition may be brought on behalf of an abused elder or
11 dependent adult by a conservator or a trustee of the elder or
12 dependent adult, an attorney-in-fact of an elder or dependent adult
13 who acts within the authority of ~~the~~ *a* power of attorney, a person
14 appointed as a guardian ad litem for the elder or dependent adult,
15 or other person legally authorized to seek such relief.

16 (b) For the purposes of this section:

17 (1) “Conservator” means the legally appointed conservator of
18 the person or estate of the petitioner, or both.

19 (2) “Petitioner” means the elder or dependent adult to be
20 protected by the protective orders and, if the court grants the
21 petition, the protected person.

22 (3) “Protective order” means an order that includes any of the
23 following restraining orders, whether issued ex parte, after notice
24 and hearing, or in a judgment:

25 (A) An order enjoining a party from abusing, intimidating,
26 molesting, attacking, striking, stalking, threatening, sexually
27 assaulting, battering, harassing, telephoning, including, but not
28 limited to, making annoying telephone calls as described in Section
29 653m of the Penal Code, destroying personal property, contacting,
30 either directly or indirectly, by mail or otherwise, or coming within
31 a specified distance of, or disturbing the peace of, the petitioner,
32 and, in the discretion of the court, on a showing of good cause, of
33 other named family or household members or a conservator, if
34 any, of the petitioner. *On a showing of good cause, in an order*
35 *issued pursuant to this subparagraph in connection with an animal*
36 *owned, possessed, leased, kept, or held by the petitioner, or*
37 *residing in the residence or household of the petitioner, the court*
38 *may do either or both of the following:*

39 (i) *Grant the petitioner exclusive care, possession, or control*
40 *of the animal.*

1 (ii) *Order the respondent to stay away from the animal and*
2 *refrain from taking, transferring, encumbering, concealing,*
3 *molesting, attacking, striking, threatening, harming, or otherwise*
4 *disposing of the animal.*

5 (B) An order excluding a party from the petitioner's residence
6 or dwelling, except that this order shall not be issued if legal or
7 equitable title to, or lease of, the residence or dwelling is in the
8 sole name of the party to be excluded, or is in the name of the party
9 to be excluded and any other party besides the petitioner.

10 (C) An order enjoining a party from specified behavior that the
11 court determines is necessary to effectuate orders described in
12 subparagraph (A) or (B).

13 (4) "Respondent" means the person against whom the protective
14 orders are sought and, if the petition is granted, the restrained
15 person.

16 (c) An order may be issued under this section, with or without
17 notice, to restrain any person for the purpose of preventing a
18 recurrence of abuse, if a declaration shows, to the satisfaction of
19 the court, reasonable proof of a past act or acts of abuse of the
20 petitioning elder or dependent adult.

21 (d) Upon filing a petition for protective orders under this section,
22 the petitioner may obtain a temporary restraining order in
23 accordance with Section 527 of the Code of Civil Procedure, except
24 to the extent this section provides a rule that is inconsistent. The
25 temporary restraining order may include any of the protective
26 orders described in paragraph (3) of subdivision (b). However, the
27 court may issue an ex parte order excluding a party from the
28 petitioner's residence or dwelling only on a showing of all of the
29 following:

30 (1) Facts sufficient for the court to ascertain that the party who
31 will stay in the dwelling has a right under color of law to possession
32 of the premises.

33 (2) That the party to be excluded has assaulted or threatens to
34 assault the petitioner, other named family or household member
35 of the petitioner, or a conservator of the petitioner.

36 (3) That physical or emotional harm would otherwise result to
37 the petitioner, other named family or household member of the
38 petitioner, or a conservator of the petitioner.

39 (e) A request for the issuance of a temporary restraining order
40 without notice under this section shall be granted or denied on the

1 same day that the petition is submitted to the court, unless the
2 petition is filed too late in the day to permit effective review, in
3 which case the order shall be granted or denied on the next day of
4 judicial business in sufficient time for the order to be filed that day
5 with the clerk of the court.

6 (f) Within 21 days, or, if good cause appears to the court, 25
7 days, from the date that a request for a temporary restraining order
8 is granted or denied, a hearing shall be held on the petition. If no
9 request for temporary orders is made, the hearing shall be held
10 within 21 days, or, if good cause appears to the court, 25 days,
11 from the date that the petition is filed.

12 (g) The respondent may file a response that explains or denies
13 the alleged abuse.

14 (h) The court may issue, upon notice and a hearing, any of the
15 orders set forth in paragraph (3) of subdivision (b). The court may
16 issue, after notice and hearing, an order excluding a person from
17 a residence or dwelling if the court finds that physical or emotional
18 harm would otherwise result to the petitioner, other named family
19 or household member of the petitioner, or conservator of the
20 petitioner.

21 (i) (1) In the discretion of the court, an order issued after notice
22 and a hearing under this section may have a duration of not more
23 than five years, subject to termination or modification by further
24 order of the court either on written stipulation filed with the court
25 or on the motion of a party. These orders may be renewed upon
26 the request of a party, either for five years or permanently, without
27 a showing of any further abuse since the issuance of the original
28 order, subject to termination or modification by further order of
29 the court either on written stipulation filed with the court or on the
30 motion of a party. The request for renewal may be brought at any
31 time within the three months before the expiration of the order.

32 (2) The failure to state the expiration date on the face of the
33 form creates an order with a duration of three years from the date
34 of issuance.

35 (3) If an action is filed for the purpose of terminating or
36 modifying a protective order prior to the expiration date specified
37 in the order by a party other than the protected party, the party
38 who is protected by the order shall be given notice, pursuant to
39 subdivision (b) of Section 1005 of the Code of Civil Procedure,
40 of the proceeding by personal service or, if the protected party has

1 satisfied the requirements of Chapter 3.1 (commencing with
2 Section 6205) of Division 7 of Title 1 of the Government Code,
3 by service on the Secretary of State. If the party who is protected
4 by the order cannot be notified prior to the hearing for modification
5 or termination of the protective order, the court shall deny the
6 motion to modify or terminate the order without prejudice or
7 continue the hearing until the party who is protected can be
8 properly noticed and may, upon a showing of good cause, specify
9 another method for service of process that is reasonably designed
10 to afford actual notice to the protected party. The protected party
11 may waive his or her right to notice if he or she is physically
12 present in court and does not challenge the sufficiency of the notice.

13 (j) In a proceeding under this section, a support person may
14 accompany a party in court and, if the party is not represented by
15 an attorney, may sit with the party at the table that is generally
16 reserved for the party and the party's attorney. The support person
17 is present to provide moral and emotional support for a person
18 who alleges he or she is a victim of abuse. The support person is
19 not present as a legal adviser and may not provide legal advice.
20 The support person may assist the person who alleges he or she is
21 a victim of abuse in feeling more confident that he or she will not
22 be injured or threatened by the other party during the proceedings
23 if the person who alleges he or she is a victim of abuse and the
24 other party are required to be present in close proximity. This
25 subdivision does not preclude the court from exercising its
26 discretion to remove the support person from the courtroom if the
27 court believes the support person is prompting, swaying, or
28 influencing the party assisted by the support person.

29 (k) Upon the filing of a petition for protective orders under this
30 section, the respondent shall be personally served with a copy of
31 the petition, notice of the hearing or order to show cause, temporary
32 restraining order, if any, and any declarations in support of the
33 petition. Service shall be made at least five days before the hearing.
34 The court may, on motion of the petitioner or on its own motion,
35 shorten the time for service on the respondent.

36 (l) A notice of hearing under this section shall notify the
37 respondent that if he or she does not attend the hearing, the court
38 may make orders against him or her that could last up to five years.

39 ~~(m) (1) The court may, upon the filing of a declaration by the~~
40 ~~petitioner that the respondent could not be served within the time~~

1 required by statute, reissue an order previously issued and dissolved
2 by the court for failure to serve the respondent. The reissued order
3 shall remain in effect until the date set for the hearing.

4 ~~(2) The reissued order shall state on its face the date of~~
5 ~~expiration of the order.~~

6 *(m) The respondent shall be entitled, as a matter of course, to*
7 *one continuance, for a reasonable period, to respond to the*
8 *petition.*

9 *(n) (1) Either party may request a continuance of the hearing,*
10 *which the court shall grant on a showing of good cause. The*
11 *request may be made in writing before or at the hearing or orally*
12 *at the hearing. The court may also grant a continuance on its own*
13 *motion.*

14 *(2) If the court grants a continuance, any temporary restraining*
15 *order that has been granted shall remain in effect until the end of*
16 *the continued hearing, unless otherwise ordered by the court. In*
17 *granting a continuance, the court may modify or terminate a*
18 *temporary restraining order.*

19 ~~(n)~~

20 *(o) (1) If a respondent, named in an order issued under this*
21 *section after a hearing, has not been served personally with the*
22 *order but has received actual notice of the existence and substance*
23 *of the order through personal appearance in court to hear the terms*
24 *of the order from the court, no additional proof of service is*
25 *required for enforcement of the order.*

26 *(2) If the respondent named in a temporary restraining order is*
27 *personally served with the order and notice of hearing with respect*
28 *to a restraining order or protective order based on the temporary*
29 *restraining order, but the respondent does not appear at the hearing,*
30 *either personally or by an attorney, and the terms and conditions*
31 *of the restraining order or protective order issued at the hearing*
32 *are identical to the temporary restraining order, except for the*
33 *duration of the order, then the restraining order or protective order*
34 *issued at the hearing may be served on the respondent by first-class*
35 *mail sent to the respondent at the most current address for the*
36 *respondent that is available to the court.*

37 *(3) The Judicial Council form for temporary orders issued*
38 *pursuant to this subdivision shall contain a statement in*
39 *substantially the following form:*

40

1 “If you have been personally served with a temporary restraining
2 order and notice of hearing, but you do not appear at the hearing
3 either in person or by a lawyer, and a restraining order that is the
4 same as this temporary restraining order except for the expiration
5 date is issued at the hearing, a copy of the order will be served on
6 you by mail at the following address: ____.

7 If that address is not correct or you wish to verify that the
8 temporary restraining order was converted to a restraining order
9 at the hearing without substantive change and to find out the
10 duration of that order, contact the clerk of the court.”

11
12 (e)

13 (p) (1) Information on ~~any~~ a protective order relating to elder
14 or dependent adult abuse issued by a court pursuant to this section
15 shall be transmitted to the Department of Justice in accordance
16 with either paragraph (2) or (3).

17 (2) The court shall order the petitioner or the attorney for the
18 petitioner to deliver a copy of an order issued under this section,
19 or a reissuance, extension, modification, or termination of the
20 order, and any subsequent proof of service, by the close of the
21 business day on which the order, reissuance, extension,
22 modification, or termination was made, to each law enforcement
23 agency having jurisdiction over the residence of the petitioner, and
24 to any additional law enforcement agencies within the court’s
25 discretion as are requested by the petitioner.

26 (3) Alternatively, the court or its designee shall transmit, within
27 one business day, to law enforcement personnel all information
28 required under subdivision (b) of Section 6380 of the Family Code
29 regarding any order issued under this section, or a reissuance,
30 extension, modification, or termination of the order, and any
31 subsequent proof of service, by either one of the following
32 methods:

33 (A) Transmitting a physical copy of the order or proof of service
34 to a local law enforcement agency authorized by the Department
35 of Justice to enter orders into the California Law Enforcement
36 Telecommunications System (CLETS).

37 (B) With the approval of the Department of Justice, entering
38 the order or proof of service into CLETS directly.

39 (4) Each appropriate law enforcement agency shall make
40 available information as to the existence and current status of these

1 orders to law enforcement officers responding to the scene of
2 reported abuse.

3 (5) An order issued under this section shall, on request of the
4 petitioner, be served on the respondent, whether or not the
5 respondent has been taken into custody, by any law enforcement
6 officer who is present at the scene of reported abuse involving the
7 parties to the proceeding. The petitioner shall provide the officer
8 with an endorsed copy of the order and a proof of service, which
9 the officer shall complete and send to the issuing court.

10 (6) Upon receiving information at the scene of an incident of
11 abuse that a protective order has been issued under this section,
12 or that a person who has been taken into custody is the respondent
13 to that order, if the protected person cannot produce an endorsed
14 copy of the order, a law enforcement officer shall immediately
15 attempt to verify the existence of the order.

16 (7) If the law enforcement officer determines that a protective
17 order has been issued, but not served, the officer shall immediately
18 notify the respondent of the terms of the order and where a written
19 copy of the order can be obtained, and the officer shall at that time
20 also enforce the order. The law enforcement officer's verbal notice
21 of the terms of the order shall constitute service of the order and
22 is sufficient notice for the purposes of this section and for the
23 purposes of Section 273.6 of the Penal Code.

24 ~~(p)~~

25 (q) Nothing in this section shall preclude either party from
26 representation by private counsel or from appearing on the party's
27 own behalf.

28 ~~(q)~~

29 (r) There is no filing fee for a petition, response, or paper
30 seeking the reissuance, modification, or enforcement of a protective
31 order filed in a proceeding brought pursuant to this section.

32 ~~(r)~~

33 (s) Pursuant to paragraph (4) of subdivision (b) of Section
34 6103.2 of the Government Code, a petitioner shall not be required
35 to pay a fee for law enforcement to serve an order issued under
36 this section.

37 ~~(s)~~

38 (t) The prevailing party in ~~any~~ *an* action brought under this
39 section may be awarded court costs and attorney's fees, if any.

40 ~~(t)~~

1 (u) (1) A person subject to a protective order under this section
2 shall not own, possess, purchase, receive, or attempt to receive a
3 firearm or ammunition while the protective order is in effect.

4 (2) The court shall order a person subject to a protective order
5 issued under this section to relinquish any firearms he or she owns
6 or possesses pursuant to Section 527.9 of the Code of Civil
7 Procedure.

8 (3) Every person who owns, possesses, purchases, or receives,
9 or attempts to purchase or receive a firearm or ammunition while
10 subject to a protective order issued under this section is punishable
11 pursuant to Section 29825 of the Penal Code.

12 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
13 a protective order issued under this section was made solely on
14 the basis of financial abuse unaccompanied by force, threat,
15 harassment, intimidation, or any other form of abuse.

16 ~~(t)~~

17 (v) Any willful disobedience of any temporary restraining order
18 or restraining order after hearing granted under this section is
19 punishable pursuant to Section 273.6 of the Penal Code.

20 ~~(v)~~

21 (w) This section does not apply to any action or proceeding
22 governed by Title 1.6C (commencing with Section 1788) of Part
23 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with
24 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
25 or ~~by~~ Division 10 (commencing with Section 6200) of the Family
26 Code. Nothing in this section shall preclude a petitioner's right to
27 use other existing civil remedies.

28 ~~(w)~~

29 (x) The Judicial Council shall develop forms, instructions, and
30 rules relating to matters governed by this section. The petition and
31 response forms shall be simple and concise, and their use by parties
32 in actions brought pursuant to this section shall be mandatory.

33 (y) *This section shall become inoperative on July 1, 2016, and,*
34 *as of January 1, 2017, is repealed, unless a later enacted statute,*
35 *that becomes operative on or before January 1, 2017, deletes or*
36 *extends the dates on which it becomes inoperative and is repealed.*

37 SEC. 4. Section 15657.03 is added to the Welfare and
38 Institutions Code, to read:

39 15657.03. (a) (1) An elder or dependent adult who has suffered
40 abuse may seek protective orders as provided in this section.

1 (2) A petition may be brought on behalf of an abused elder or
2 dependent adult by a conservator or a trustee of the elder or
3 dependent adult, an attorney-in-fact of an elder or dependent adult
4 who acts within the authority of the power of attorney, a person
5 appointed as a guardian ad litem for the elder or dependent adult,
6 or other person legally authorized to seek the relief.

7 (3) (A) A petition under this section may be brought on behalf
8 of an elder or dependent adult by a county adult protective services
9 agency in either of the following circumstances:

10 (i) If the elder or dependent adult has suffered abuse as defined
11 in subdivision (b) and has an impaired ability to appreciate and
12 understand the circumstances that place him or her at risk of harm.

13 (ii) If the elder or dependent adult has provided written
14 authorization to a county adult protective services agency to act
15 on his or her behalf.

16 (B) In the case of a petition filed pursuant to clause (i) of
17 subparagraph (A) by a county adult protective services agency, a
18 referral shall be made to the public guardian consistent with Section
19 2920 of the Probate Code prior to or concurrent with the filing of
20 the petition, unless a petition for appointment of a conservator has
21 already been filed with the probate court by the public guardian
22 or another party.

23 (C) A county adult protective services agency shall be subject
24 to any confidentiality restrictions that otherwise apply to its
25 activities under law and shall disclose only those facts as necessary
26 to establish reasonable cause for the filing of the petition, including,
27 in the case of a petition filed pursuant to clause (i) of subparagraph
28 (A), to establish the agency's belief that the elder or dependent
29 adult has suffered abuse and has an impaired ability to appreciate
30 and understand the circumstances that place him or her at risk, and
31 as may be requested by the court in determining whether to issue
32 an order under this section.

33 (b) For the purposes of this section:

34 (1) "Abuse" has the meaning set forth in Section 15610.07.

35 (2) "Conservator" means the legally appointed conservator of
36 the person or estate of the petitioner, or both.

37 (3) "Petitioner" means the elder or dependent adult to be
38 protected by the protective orders and, if the court grants the
39 petition, the protected person.

1 (4) “Protective order” means an order that includes any of the
2 following restraining orders, whether issued ex parte, after notice
3 and hearing, or in a judgment:

4 (A) An order enjoining a party from abusing, intimidating,
5 molesting, attacking, striking, stalking, threatening, sexually
6 assaulting, battering, harassing, telephoning, including, but not
7 limited to, making annoying telephone calls as described in Section
8 653m of the Penal Code, destroying personal property, contacting,
9 either directly or indirectly, by mail or otherwise, or coming within
10 a specified distance of, or disturbing the peace of, the petitioner,
11 and, in the discretion of the court, on a showing of good cause, of
12 other named family or household members or a conservator, if
13 any, of the petitioner.

14 (B) An order excluding a party from the petitioner’s residence
15 or dwelling, except that this order shall not be issued if legal or
16 equitable title to, or lease of, the residence or dwelling is in the
17 sole name of the party to be excluded, or is in the name of the party
18 to be excluded and any other party besides the petitioner.

19 (C) An order enjoining a party from specified behavior that the
20 court determines is necessary to effectuate orders described in
21 subparagraph (A) or (B).

22 (5) “Respondent” means the person against whom the protective
23 orders are sought and, if the petition is granted, the restrained
24 person.

25 (c) An order may be issued under this section, with or without
26 notice, to restrain any person for the purpose of preventing a
27 recurrence of abuse, if a declaration shows, to the satisfaction of
28 the court, reasonable proof of a past act or acts of abuse of the
29 petitioning elder or dependent adult.

30 (d) Upon filing a petition for protective orders under this section,
31 the petitioner may obtain a temporary restraining order in
32 accordance with Section 527 of the Code of Civil Procedure, except
33 to the extent this section provides a rule that is inconsistent. The
34 temporary restraining order may include any of the protective
35 orders described in paragraph (4) of subdivision (b). However, the
36 court may issue an ex parte order excluding a party from the
37 petitioner’s residence or dwelling only on a showing of all of the
38 following:

1 (1) Facts sufficient for the court to ascertain that the party who
2 will stay in the dwelling has a right under color of law to possession
3 of the premises.

4 (2) That the party to be excluded has assaulted or threatens to
5 assault the petitioner, other named family or household member
6 of the petitioner, or a conservator of the petitioner.

7 (3) That physical or emotional harm would otherwise result to
8 the petitioner, other named family or household member of the
9 petitioner, or a conservator of the petitioner.

10 (e) A request for the issuance of a temporary restraining order
11 without notice under this section shall be granted or denied on the
12 same day that the petition is submitted to the court, unless the
13 petition is filed too late in the day to permit effective review, in
14 which case the order shall be granted or denied on the next day of
15 judicial business in sufficient time for the order to be filed that day
16 with the clerk of the court.

17 (f) Within 21 days, or, if good cause appears to the court, 25
18 days, from the date that a request for a temporary restraining order
19 is granted or denied, a hearing shall be held on the petition. If no
20 request for temporary orders is made, the hearing shall be held
21 within 21 days, or, if good cause appears to the court, 25 days,
22 from the date that the petition is filed.

23 (g) The respondent may file a response that explains or denies
24 the alleged abuse.

25 (h) The court may issue, upon notice and a hearing, any of the
26 orders set forth in paragraph (4) of subdivision (b). The court may
27 issue, after notice and hearing, an order excluding a person from
28 a residence or dwelling if the court finds that physical or emotional
29 harm would otherwise result to the petitioner, other named family
30 or household member of the petitioner, or conservator of the
31 petitioner.

32 (i) (1) In the discretion of the court, an order issued after notice
33 and a hearing under this section may have a duration of not more
34 than five years, subject to termination or modification by further
35 order of the court either on written stipulation filed with the court
36 or on the motion of a party. These orders may be renewed upon
37 the request of a party, either for five years or permanently, without
38 a showing of any further abuse since the issuance of the original
39 order, subject to termination or modification by further order of
40 the court either on written stipulation filed with the court or on the

1 motion of a party. The request for renewal may be brought at any
2 time within the three months before the expiration of the order.

3 (2) The failure to state the expiration date on the face of the
4 form creates an order with a duration of three years from the date
5 of issuance.

6 (3) If an action is filed for the purpose of terminating or
7 modifying a protective order prior to the expiration date specified
8 in the order by a party other than the protected party, the party
9 who is protected by the order shall be given notice, pursuant to
10 subdivision (b) of Section 1005 of the Code of Civil Procedure,
11 of the proceeding by personal service or, if the protected party has
12 satisfied the requirements of Chapter 3.1 (commencing with
13 Section 6205) of Division 7 of Title 1 of the Government Code,
14 by service on the Secretary of State. If the party who is protected
15 by the order cannot be notified prior to the hearing for modification
16 or termination of the protective order, the court shall deny the
17 motion to modify or terminate the order without prejudice or
18 continue the hearing until the party who is protected can be
19 properly noticed and may, upon a showing of good cause, specify
20 another method for service of process that is reasonably designed
21 to afford actual notice to the protected party. The protected party
22 may waive his or her right to notice if he or she is physically
23 present in court and does not challenge the sufficiency of the notice.

24 (j) In a proceeding under this section, a support person may
25 accompany a party in court and, if the party is not represented by
26 an attorney, may sit with the party at the table that is generally
27 reserved for the party and the party's attorney. The support person
28 is present to provide moral and emotional support for a person
29 who alleges he or she is a victim of abuse. The support person is
30 not present as a legal adviser and may not provide legal advice.
31 The support person may assist the person who alleges he or she is
32 a victim of abuse in feeling more confident that he or she will not
33 be injured or threatened by the other party during the proceedings
34 if the person who alleges he or she is a victim of abuse and the
35 other party are required to be present in close proximity. This
36 subdivision does not preclude the court from exercising its
37 discretion to remove the support person from the courtroom if the
38 court believes the support person is prompting, swaying, or
39 influencing the party assisted by the support person.

(k) Upon the filing of a petition for protective orders under this section, the respondent shall be personally served with a copy of the petition, notice of the hearing or order to show cause, temporary restraining order, if any, and any declarations in support of the petition. Service shall be made at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(l) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to five years.

(m) (1) The court may, upon the filing of a declaration by the petitioner that the respondent could not be served within the time required by statute, reissue an order previously issued and dissolved by the court for failure to serve the respondent. The reissued order shall remain in effect until the date set for the hearing.

(2) The reissued order shall state on its face the date of expiration of the order.

(n) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing

1 either in person or by a lawyer, and a restraining order that is the
2 same as this temporary restraining order except for the expiration
3 date is issued at the hearing, a copy of the order will be served on
4 you by mail at the following address: ____.

5 If that address is not correct or you wish to verify that the
6 temporary restraining order was converted to a restraining order
7 at the hearing without substantive change and to find out the
8 duration of that order, contact the clerk of the court.”

9
10 (o) (1) Information on any protective order relating to elder or
11 dependent adult abuse issued by a court pursuant to this section
12 shall be transmitted to the Department of Justice in accordance
13 with either paragraph (2) or (3).

14 (2) The court shall order the petitioner or the attorney for the
15 petitioner to deliver a copy of an order issued under this section,
16 or a reissuance, extension, modification, or termination of the
17 order, and any subsequent proof of service, by the close of the
18 business day on which the order, reissuance, extension,
19 modification, or termination was made, to each law enforcement
20 agency having jurisdiction over the residence of the petitioner, and
21 to any additional law enforcement agencies within the court’s
22 discretion as are requested by the petitioner.

23 (3) Alternatively, the court or its designee shall transmit, within
24 one business day, to law enforcement personnel all information
25 required under subdivision (b) of Section 6380 of the Family Code
26 regarding any order issued under this section, or a reissuance,
27 extension, modification, or termination of the order, and any
28 subsequent proof of service, by either one of the following
29 methods:

30 (A) Transmitting a physical copy of the order or proof of service
31 to a local law enforcement agency authorized by the Department
32 of Justice to enter orders into the California Law Enforcement
33 Telecommunications System (CLETS).

34 (B) With the approval of the Department of Justice, entering
35 the order or proof of service into CLETS directly.

36 (4) Each appropriate law enforcement agency shall make
37 available information as to the existence and current status of these
38 orders to law enforcement officers responding to the scene of
39 reported abuse.

1 (5) An order issued under this section shall, on request of the
2 petitioner, be served on the respondent, whether or not the
3 respondent has been taken into custody, by any law enforcement
4 officer who is present at the scene of reported abuse involving the
5 parties to the proceeding. The petitioner shall provide the officer
6 with an endorsed copy of the order and a proof of service, which
7 the officer shall complete and send to the issuing court.

8 (6) Upon receiving information at the scene of an incident of
9 abuse that a protective order has been issued under this section,
10 or that a person who has been taken into custody is the respondent
11 to that order, if the protected person cannot produce an endorsed
12 copy of the order, a law enforcement officer shall immediately
13 attempt to verify the existence of the order.

14 (7) If the law enforcement officer determines that a protective
15 order has been issued, but not served, the officer shall immediately
16 notify the respondent of the terms of the order and where a written
17 copy of the order can be obtained, and the officer shall at that time
18 also enforce the order. The law enforcement officer's verbal notice
19 of the terms of the order shall constitute service of the order and
20 is sufficient notice for the purposes of this section and for the
21 purposes of Section 273.6 of the Penal Code.

22 (p) Nothing in this section shall preclude either party from
23 representation by private counsel or from appearing on the party's
24 own behalf.

25 (q) There is no filing fee for a petition, response, or paper
26 seeking the reissuance, modification, or enforcement of a protective
27 order filed in a proceeding brought pursuant to this section.

28 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2
29 of the Government Code, a petitioner shall not be required to pay
30 a fee for law enforcement to serve an order issued under this
31 section.

32 (s) The prevailing party in any action brought under this section
33 may be awarded court costs and attorney's fees, if any.

34 (t) (1) A person subject to a protective order under this section
35 shall not own, possess, purchase, receive, or attempt to receive a
36 firearm or ammunition while the protective order is in effect.

37 (2) The court shall order a person subject to a protective order
38 issued under this section to relinquish any firearms he or she owns
39 or possesses pursuant to Section 527.9 of the Code of Civil
40 Procedure.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while subject to a protective order issued under this section is punishable pursuant to Section 29825 of the Penal Code.

(4) This subdivision shall not apply in a case in which the protective order issued under this section was made solely on the basis of financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(u) In a proceeding brought under paragraph (3) of subdivision (a), all of the following apply:

(1) Upon the filing of a petition for a protective order, the elder or dependent adult on whose behalf the petition has been filed shall receive a copy of the petition, a notice of the hearing, and any declarations submitted in support of the petition. The elder or dependent adult shall receive this information at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for provision of this information to the elder or dependent adult.

(2) The adult protective services agency shall make reasonable efforts to assist the elder or dependent adult to attend the hearing and provide testimony to the court, if he or she wishes to do so. If the elder or dependent adult does not attend the hearing, the agency shall provide information to the court at the hearing regarding the reasons why the elder or dependent adult is not in attendance.

(3) Upon the filing of a petition for a protective order and upon issuance of an order granting the petition, the county adult protective services agency shall take all reasonable steps to provide for the safety of the elder or dependent adult, pursuant to Chapter 13 (commencing with Section 15750), which may include, but are not limited to, facilitating the location of alternative accommodations for the elder or dependent adult, if needed.

(v) Any willful disobedience of any temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(w) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or Division 10 (commencing with Section 6200) of the Family

1 Code. Nothing in this section shall preclude a petitioner's right to
2 use other existing civil remedies.

3 (x) The Judicial Council shall develop forms, instructions, and
4 rules relating to matters governed by this section. The petition and
5 response forms shall be simple and concise, and shall be used by
6 parties in actions brought pursuant to this section.

7 (y) This section shall become operative on July 1, 2016.

8 *SEC. 4.1. Section 15657.03 is added to the Welfare and*
9 *Institutions Code, to read:*

10 *15657.03. (a) (1) An elder or dependent adult who has*
11 *suffered abuse may seek protective orders as provided in this*
12 *section.*

13 *(2) A petition may be brought on behalf of an abused elder or*
14 *dependent adult by a conservator or a trustee of the elder or*
15 *dependent adult, an attorney-in-fact of an elder or dependent adult*
16 *who acts within the authority of a power of attorney, a person*
17 *appointed as a guardian ad litem for the elder or dependent adult,*
18 *or other person legally authorized to seek the relief.*

19 *(3) (A) A petition under this section may be brought on behalf*
20 *of an elder or dependent adult by a county adult protective services*
21 *agency in either of the following circumstances:*

22 *(i) If the elder or dependent adult has suffered abuse as defined*
23 *in subdivision (b) and has an impaired ability to appreciate and*
24 *understand the circumstances that place him or her at risk of harm.*

25 *(ii) If the elder or dependent adult has provided written*
26 *authorization to a county adult protective services agency to act*
27 *on his or her behalf.*

28 *(B) In the case of a petition filed pursuant to clause (i) of*
29 *subparagraph (A) by a county adult protective services agency, a*
30 *referral shall be made to the public guardian consistent with*
31 *Section 2920 of the Probate Code prior to or concurrent with the*
32 *filing of the petition, unless a petition for appointment of a*
33 *conservator has already been filed with the probate court by the*
34 *public guardian or another party.*

35 *(C) A county adult protective services agency shall be subject*
36 *to any confidentiality restrictions that otherwise apply to its*
37 *activities under law and shall disclose only those facts as necessary*
38 *to establish reasonable cause for the filing of the petition,*
39 *including, in the case of a petition filed pursuant to clause (i) of*
40 *subparagraph (A), to establish the agency's belief that the elder*

1 or dependent adult has suffered abuse and has an impaired ability
2 to appreciate and understand the circumstances that place him or
3 her at risk, and as may be requested by the court in determining
4 whether to issue an order under this section.

5 (b) For the purposes of this section:

6 (1) “Abuse” has the meaning set forth in Section 15610.07.

7 (2) “Conservator” means the legally appointed conservator of
8 the person or estate of the petitioner, or both.

9 (3) “Petitioner” means the elder or dependent adult to be
10 protected by the protective orders and, if the court grants the
11 petition, the protected person.

12 (4) “Protective order” means an order that includes any of the
13 following restraining orders, whether issued *ex parte*, after notice
14 and hearing, or in a judgment:

15 (A) An order enjoining a party from abusing, intimidating,
16 molesting, attacking, striking, stalking, threatening, sexually
17 assaulting, battering, harassing, telephoning, including, but not
18 limited to, making annoying telephone calls as described in Section
19 653m of the Penal Code, destroying personal property, contacting,
20 either directly or indirectly, by mail or otherwise, or coming within
21 a specified distance of, or disturbing the peace of, the petitioner,
22 and, in the discretion of the court, on a showing of good cause, of
23 other named family or household members or a conservator, if
24 any, of the petitioner. On a showing of good cause, in an order
25 issued pursuant to this subparagraph in connection with an animal
26 owned, possessed, leased, kept, or held by the petitioner, or
27 residing in the residence or household of the petitioner, the court
28 may do either or both of the following:

29 (i) Grant the petitioner exclusive care, possession, or control
30 of the animal.

31 (ii) Order the respondent to stay away from the animal and
32 refrain from taking, transferring, encumbering, concealing,
33 molesting, attacking, striking, threatening, harming, or otherwise
34 disposing of the animal.

35 (B) An order excluding a party from the petitioner’s residence
36 or dwelling, except that this order shall not be issued if legal or
37 equitable title to, or lease of, the residence or dwelling is in the
38 sole name of the party to be excluded, or is in the name of the party
39 to be excluded and any other party besides the petitioner.

1 (C) An order enjoining a party from specified behavior that the
2 court determines is necessary to effectuate orders described in
3 subparagraph (A) or (B).

4 (5) “Respondent” means the person against whom the protective
5 orders are sought and, if the petition is granted, the restrained
6 person.

7 (c) An order may be issued under this section, with or without
8 notice, to restrain any person for the purpose of preventing a
9 recurrence of abuse, if a declaration shows, to the satisfaction of
10 the court, reasonable proof of a past act or acts of abuse of the
11 petitioning elder or dependent adult.

12 (d) Upon filing a petition for protective orders under this
13 section, the petitioner may obtain a temporary restraining order
14 in accordance with Section 527 of the Code of Civil Procedure,
15 except to the extent this section provides a rule that is inconsistent.
16 The temporary restraining order may include any of the protective
17 orders described in paragraph (4) of subdivision (b). However,
18 the court may issue an ex parte order excluding a party from the
19 petitioner’s residence or dwelling only on a showing of all of the
20 following:

21 (1) Facts sufficient for the court to ascertain that the party who
22 will stay in the dwelling has a right under color of law to
23 possession of the premises.

24 (2) That the party to be excluded has assaulted or threatens to
25 assault the petitioner, other named family or household member
26 of the petitioner, or a conservator of the petitioner.

27 (3) That physical or emotional harm would otherwise result to
28 the petitioner, other named family or household member of the
29 petitioner, or a conservator of the petitioner.

30 (e) A request for the issuance of a temporary restraining order
31 without notice under this section shall be granted or denied on the
32 same day that the petition is submitted to the court, unless the
33 petition is filed too late in the day to permit effective review, in
34 which case the order shall be granted or denied on the next day
35 of judicial business in sufficient time for the order to be filed that
36 day with the clerk of the court.

37 (f) Within 21 days, or, if good cause appears to the court, 25
38 days, from the date that a request for a temporary restraining
39 order is granted or denied, a hearing shall be held on the petition.
40 If no request for temporary orders is made, the hearing shall be

1 *held within 21 days, or, if good cause appears to the court, 25*
2 *days, from the date that the petition is filed.*

3 *(g) The respondent may file a response that explains or denies*
4 *the alleged abuse.*

5 *(h) The court may issue, upon notice and a hearing, any of the*
6 *orders set forth in paragraph (4) of subdivision (b). The court may*
7 *issue, after notice and hearing, an order excluding a person from*
8 *a residence or dwelling if the court finds that physical or emotional*
9 *harm would otherwise result to the petitioner, other named family*
10 *or household member of the petitioner, or conservator of the*
11 *petitioner.*

12 *(i) (1) In the discretion of the court, an order issued after notice*
13 *and a hearing under this section may have a duration of not more*
14 *than five years, subject to termination or modification by further*
15 *order of the court either on written stipulation filed with the court*
16 *or on the motion of a party. These orders may be renewed upon*
17 *the request of a party, either for five years or permanently, without*
18 *a showing of any further abuse since the issuance of the original*
19 *order, subject to termination or modification by further order of*
20 *the court either on written stipulation filed with the court or on*
21 *the motion of a party. The request for renewal may be brought at*
22 *any time within the three months before the expiration of the order.*

23 *(2) The failure to state the expiration date on the face of the*
24 *form creates an order with a duration of three years from the date*
25 *of issuance.*

26 *(3) If an action is filed for the purpose of terminating or*
27 *modifying a protective order prior to the expiration date specified*
28 *in the order by a party other than the protected party, the party*
29 *who is protected by the order shall be given notice, pursuant to*
30 *subdivision (b) of Section 1005 of the Code of Civil Procedure, of*
31 *the proceeding by personal service or, if the protected party has*
32 *satisfied the requirements of Chapter 3.1 (commencing with Section*
33 *6205) of Division 7 of Title 1 of the Government Code, by service*
34 *on the Secretary of State. If the party who is protected by the order*
35 *cannot be notified prior to the hearing for modification or*
36 *termination of the protective order, the court shall deny the motion*
37 *to modify or terminate the order without prejudice or continue the*
38 *hearing until the party who is protected can be properly noticed*
39 *and may, upon a showing of good cause, specify another method*
40 *for service of process that is reasonably designed to afford actual*

1 *notice to the protected party. The protected party may waive his*
2 *or her right to notice if he or she is physically present in court and*
3 *does not challenge the sufficiency of the notice.*

4 *(j) In a proceeding under this section, a support person may*
5 *accompany a party in court and, if the party is not represented by*
6 *an attorney, may sit with the party at the table that is generally*
7 *reserved for the party and the party's attorney. The support person*
8 *is present to provide moral and emotional support for a person*
9 *who alleges he or she is a victim of abuse. The support person is*
10 *not present as a legal adviser and may not provide legal advice.*
11 *The support person may assist the person who alleges he or she*
12 *is a victim of abuse in feeling more confident that he or she will*
13 *not be injured or threatened by the other party during the*
14 *proceedings if the person who alleges he or she is a victim of abuse*
15 *and the other party are required to be present in close proximity.*
16 *This subdivision does not preclude the court from exercising its*
17 *discretion to remove the support person from the courtroom if the*
18 *court believes the support person is prompting, swaying, or*
19 *influencing the party assisted by the support person.*

20 *(k) Upon the filing of a petition for protective orders under this*
21 *section, the respondent shall be personally served with a copy of*
22 *the petition, notice of the hearing or order to show cause,*
23 *temporary restraining order, if any, and any declarations in*
24 *support of the petition. Service shall be made at least five days*
25 *before the hearing. The court may, on motion of the petitioner or*
26 *on its own motion, shorten the time for service on the respondent.*

27 *(l) A notice of hearing under this section shall notify the*
28 *respondent that if he or she does not attend the hearing, the court*
29 *may make orders against him or her that could last up to five years.*

30 *(m) (1) The court may, upon the filing of a declaration by the*
31 *petitioner that the respondent could not be served within the time*
32 *required by statute, reissue an order previously issued and*
33 *dissolved by the court for failure to serve the respondent. The*
34 *reissued order shall remain in effect until the date set for the*
35 *hearing.*

36 *(2) The reissued order shall state on its face the date of*
37 *expiration of the order.*

38 *(n) (1) If a respondent, named in an order issued under this*
39 *section after a hearing, has not been served personally with the*
40 *order but has received actual notice of the existence and substance*

1 of the order through personal appearance in court to hear the
2 terms of the order from the court, no additional proof of service
3 is required for enforcement of the order.

4 (2) If the respondent named in a temporary restraining order
5 is personally served with the order and notice of hearing with
6 respect to a restraining order or protective order based on the
7 temporary restraining order, but the respondent does not appear
8 at the hearing, either personally or by an attorney, and the terms
9 and conditions of the restraining order or protective order issued
10 at the hearing are identical to the temporary restraining order,
11 except for the duration of the order, then the restraining order or
12 protective order issued at the hearing may be served on the
13 respondent by first-class mail sent to the respondent at the most
14 current address for the respondent that is available to the court.

15 (3) The Judicial Council form for temporary orders issued
16 pursuant to this subdivision shall contain a statement in
17 substantially the following form:

18
19 “If you have been personally served with a temporary restraining
20 order and notice of hearing, but you do not appear at the hearing
21 either in person or by a lawyer, and a restraining order that is the
22 same as this temporary restraining order except for the expiration
23 date is issued at the hearing, a copy of the order will be served on
24 you by mail at the following address:_____.

25 If that address is not correct or you wish to verify that the
26 temporary restraining order was converted to a restraining order
27 at the hearing without substantive change and to find out the
28 duration of that order, contact the clerk of the court.”

29
30 (o) (1) Information on a protective order relating to elder or
31 dependent adult abuse issued by a court pursuant to this section
32 shall be transmitted to the Department of Justice in accordance
33 with either paragraph (2) or (3).

34 (2) The court shall order the petitioner or the attorney for the
35 petitioner to deliver a copy of an order issued under this section,
36 or a reissuance, extension, modification, or termination of the
37 order, and any subsequent proof of service, by the close of the
38 business day on which the order, reissuance, extension,
39 modification, or termination was made, to each law enforcement
40 agency having jurisdiction over the residence of the petitioner,

1 *and to any additional law enforcement agencies within the court's*
2 *discretion as are requested by the petitioner.*

3 *(3) Alternatively, the court or its designee shall transmit, within*
4 *one business day, to law enforcement personnel all information*
5 *required under subdivision (b) of Section 6380 of the Family Code*
6 *regarding any order issued under this section, or a reissuance,*
7 *extension, modification, or termination of the order; and any*
8 *subsequent proof of service, by either one of the following methods:*

9 *(A) Transmitting a physical copy of the order or proof of service*
10 *to a local law enforcement agency authorized by the Department*
11 *of Justice to enter orders into the California Law Enforcement*
12 *Telecommunications System (CLETS).*

13 *(B) With the approval of the Department of Justice, entering*
14 *the order or proof of service into CLETS directly.*

15 *(4) Each appropriate law enforcement agency shall make*
16 *available information as to the existence and current status of*
17 *these orders to law enforcement officers responding to the scene*
18 *of reported abuse.*

19 *(5) An order issued under this section shall, on request of the*
20 *petitioner, be served on the respondent, whether or not the*
21 *respondent has been taken into custody, by any law enforcement*
22 *officer who is present at the scene of reported abuse involving the*
23 *parties to the proceeding. The petitioner shall provide the officer*
24 *with an endorsed copy of the order and a proof of service, which*
25 *the officer shall complete and send to the issuing court.*

26 *(6) Upon receiving information at the scene of an incident of*
27 *abuse that a protective order has been issued under this section,*
28 *or that a person who has been taken into custody is the respondent*
29 *to that order, if the protected person cannot produce an endorsed*
30 *copy of the order, a law enforcement officer shall immediately*
31 *attempt to verify the existence of the order.*

32 *(7) If the law enforcement officer determines that a protective*
33 *order has been issued, but not served, the officer shall immediately*
34 *notify the respondent of the terms of the order and where a written*
35 *copy of the order can be obtained, and the officer shall at that time*
36 *also enforce the order. The law enforcement officer's verbal notice*
37 *of the terms of the order shall constitute service of the order and*
38 *is sufficient notice for the purposes of this section and for the*
39 *purposes of Section 273.6 of the Penal Code.*

1 (p) Nothing in this section shall preclude either party from
2 representation by private counsel or from appearing on the party's
3 own behalf.

4 (q) There is no filing fee for a petition, response, or paper
5 seeking the reissuance, modification, or enforcement of a protective
6 order filed in a proceeding brought pursuant to this section.

7 (r) Pursuant to paragraph (4) of subdivision (b) of Section
8 6103.2 of the Government Code, a petitioner shall not be required
9 to pay a fee for law enforcement to serve an order issued under
10 this section.

11 (s) The prevailing party in an action brought under this section
12 may be awarded court costs and attorney's fees, if any.

13 (t) (1) A person subject to a protective order under this section
14 shall not own, possess, purchase, receive, or attempt to receive a
15 firearm or ammunition while the protective order is in effect.

16 (2) The court shall order a person subject to a protective order
17 issued under this section to relinquish any firearms he or she owns
18 or possesses pursuant to Section 527.9 of the Code of Civil
19 Procedure.

20 (3) Every person who owns, possesses, purchases, or receives,
21 or attempts to purchase or receive a firearm or ammunition while
22 subject to a protective order issued under this section is punishable
23 pursuant to Section 29825 of the Penal Code.

24 (4) This subdivision does not apply in a case in which a
25 protective order issued under this section was made solely on the
26 basis of financial abuse unaccompanied by force, threat,
27 harassment, intimidation, or any other form of abuse.

28 (u) In a proceeding brought under paragraph (3) of subdivision
29 (a), all of the following apply:

30 (1) Upon the filing of a petition for a protective order, the elder
31 or dependent adult on whose behalf the petition has been filed
32 shall receive a copy of the petition, a notice of the hearing, and
33 any declarations submitted in support of the petition. The elder or
34 dependent adult shall receive this information at least five days
35 before the hearing. The court may, on motion of the petitioner or
36 on its own motion, shorten the time for provision of this information
37 to the elder or dependent adult.

38 (2) The adult protective services agency shall make reasonable
39 efforts to assist the elder or dependent adult to attend the hearing
40 and provide testimony to the court, if he or she wishes to do so. If

1 *the elder or dependent adult does not attend the hearing, the*
2 *agency shall provide information to the court at the hearing*
3 *regarding the reasons why the elder or dependent adult is not in*
4 *attendance.*

5 *(3) Upon the filing of a petition for a protective order and upon*
6 *issuance of an order granting the petition, the county adult*
7 *protective services agency shall take all reasonable steps to provide*
8 *for the safety of the elder or dependent adult, pursuant to Chapter*
9 *13 (commencing with Section 15750), which may include, but are*
10 *not limited to, facilitating the location of alternative*
11 *accommodations for the elder or dependent adult, if needed.*

12 *(v) Any willful disobedience of any temporary restraining order*
13 *or restraining order after hearing granted under this section is*
14 *punishable pursuant to Section 273.6 of the Penal Code.*

15 *(w) This section does not apply to any action or proceeding*
16 *governed by Title 1.6C (commencing with Section 1788) of Part*
17 *4 of Division 3 of the Civil Code, Chapter 3 (commencing with*
18 *Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,*
19 *or Division 10 (commencing with Section 6200) of the Family*
20 *Code. Nothing in this section shall preclude a petitioner's right*
21 *to use other existing civil remedies.*

22 *(x) The Judicial Council shall develop forms, instructions, and*
23 *rules relating to matters governed by this section. The petition and*
24 *response forms shall be simple and concise, and shall be used by*
25 *parties in actions brought pursuant to this section.*

26 *(y) This section shall become operative on July 1, 2016.*

27 *SEC. 4.2. Section 15657.03 is added to the Welfare and*
28 *Institutions Code, to read:*

29 *15657.03. (a) (1) An elder or dependent adult who has*
30 *suffered abuse may seek protective orders as provided in this*
31 *section.*

32 *(2) A petition may be brought on behalf of an abused elder or*
33 *dependent adult by a conservator or a trustee of the elder or*
34 *dependent adult, an attorney-in-fact of an elder or dependent adult*
35 *who acts within the authority of a power of attorney, a person*
36 *appointed as a guardian ad litem for the elder or dependent adult,*
37 *or other person legally authorized to seek the relief.*

38 *(3) (A) A petition under this section may be brought on behalf*
39 *of an elder or dependent adult by a county adult protective services*
40 *agency in either of the following circumstances:*

1 (i) If the elder or dependent adult has suffered abuse as defined
2 in subdivision (b) and has an impaired ability to appreciate and
3 understand the circumstances that place him or her at risk of harm.

4 (ii) If the elder or dependent adult has provided written
5 authorization to a county adult protective services agency to act
6 on his or her behalf.

7 (B) In the case of a petition filed pursuant to clause (i) of
8 subparagraph (A) by a county adult protective services agency, a
9 referral shall be made to the public guardian consistent with
10 Section 2920 of the Probate Code prior to or concurrent with the
11 filing of the petition, unless a petition for appointment of a
12 conservator has already been filed with the probate court by the
13 public guardian or another party.

14 (C) A county adult protective services agency shall be subject
15 to any confidentiality restrictions that otherwise apply to its
16 activities under law and shall disclose only those facts as necessary
17 to establish reasonable cause for the filing of the petition,
18 including, in the case of a petition filed pursuant to clause (i) of
19 subparagraph (A), to establish the agency's belief that the elder
20 or dependent adult has suffered abuse and has an impaired ability
21 to appreciate and understand the circumstances that place him or
22 her at risk, and as may be requested by the court in determining
23 whether to issue an order under this section.

24 (b) For the purposes of this section:

25 (1) "Abuse" has the meaning set forth in Section 15610.07.

26 (2) "Conservator" means the legally appointed conservator of
27 the person or estate of the petitioner, or both.

28 (3) "Petitioner" means the elder or dependent adult to be
29 protected by the protective orders and, if the court grants the
30 petition, the protected person.

31 (4) "Protective order" means an order that includes any of the
32 following restraining orders, whether issued ex parte, after notice
33 and hearing, or in a judgment:

34 (A) An order enjoining a party from abusing, intimidating,
35 molesting, attacking, striking, stalking, threatening, sexually
36 assaulting, battering, harassing, telephoning, including, but not
37 limited to, making annoying telephone calls as described in Section
38 653m of the Penal Code, destroying personal property, contacting,
39 either directly or indirectly, by mail or otherwise, or coming within
40 a specified distance of, or disturbing the peace of, the petitioner,

1 *and, in the discretion of the court, on a showing of good cause, of*
2 *other named family or household members or a conservator, if*
3 *any, of the petitioner.*

4 *(B) An order excluding a party from the petitioner's residence*
5 *or dwelling, except that this order shall not be issued if legal or*
6 *equitable title to, or lease of, the residence or dwelling is in the*
7 *sole name of the party to be excluded, or is in the name of the party*
8 *to be excluded and any other party besides the petitioner.*

9 *(C) An order enjoining a party from specified behavior that the*
10 *court determines is necessary to effectuate orders described in*
11 *subparagraph (A) or (B).*

12 *(5) "Respondent" means the person against whom the protective*
13 *orders are sought and, if the petition is granted, the restrained*
14 *person.*

15 *(c) An order may be issued under this section, with or without*
16 *notice, to restrain any person for the purpose of preventing a*
17 *recurrence of abuse, if a declaration shows, to the satisfaction of*
18 *the court, reasonable proof of a past act or acts of abuse of the*
19 *petitioning elder or dependent adult.*

20 *(d) Upon filing a petition for protective orders under this*
21 *section, the petitioner may obtain a temporary restraining order*
22 *in accordance with Section 527 of the Code of Civil Procedure,*
23 *except to the extent this section provides a rule that is inconsistent.*
24 *The temporary restraining order may include any of the protective*
25 *orders described in paragraph (4) of subdivision (b). However,*
26 *the court may issue an ex parte order excluding a party from the*
27 *petitioner's residence or dwelling only on a showing of all of the*
28 *following:*

29 *(1) Facts sufficient for the court to ascertain that the party who*
30 *will stay in the dwelling has a right under color of law to*
31 *possession of the premises.*

32 *(2) That the party to be excluded has assaulted or threatens to*
33 *assault the petitioner, other named family or household member*
34 *of the petitioner, or a conservator of the petitioner.*

35 *(3) That physical or emotional harm would otherwise result to*
36 *the petitioner, other named family or household member of the*
37 *petitioner, or a conservator of the petitioner.*

38 *(e) A request for the issuance of a temporary restraining order*
39 *without notice under this section shall be granted or denied on the*
40 *same day that the petition is submitted to the court, unless the*

1 *petition is filed too late in the day to permit effective review, in*
2 *which case the order shall be granted or denied on the next day*
3 *of judicial business in sufficient time for the order to be filed that*
4 *day with the clerk of the court.*

5 *(f) Within 21 days, or, if good cause appears to the court, 25*
6 *days, from the date that a request for a temporary restraining*
7 *order is granted or denied, a hearing shall be held on the petition.*
8 *If no request for temporary orders is made, the hearing shall be*
9 *held within 21 days, or, if good cause appears to the court, 25*
10 *days, from the date that the petition is filed.*

11 *(g) The respondent may file a response that explains or denies*
12 *the alleged abuse.*

13 *(h) The court may issue, upon notice and a hearing, any of the*
14 *orders set forth in paragraph (4) of subdivision (b). The court may*
15 *issue, after notice and hearing, an order excluding a person from*
16 *a residence or dwelling if the court finds that physical or emotional*
17 *harm would otherwise result to the petitioner, other named family*
18 *or household member of the petitioner, or conservator of the*
19 *petitioner.*

20 *(i) (1) In the discretion of the court, an order issued after notice*
21 *and a hearing under this section may have a duration of not more*
22 *than five years, subject to termination or modification by further*
23 *order of the court either on written stipulation filed with the court*
24 *or on the motion of a party. These orders may be renewed upon*
25 *the request of a party, either for five years or permanently, without*
26 *a showing of any further abuse since the issuance of the original*
27 *order, subject to termination or modification by further order of*
28 *the court either on written stipulation filed with the court or on*
29 *the motion of a party. The request for renewal may be brought at*
30 *any time within the three months before the expiration of the order.*

31 *(2) The failure to state the expiration date on the face of the*
32 *form creates an order with a duration of three years from the date*
33 *of issuance.*

34 *(3) If an action is filed for the purpose of terminating or*
35 *modifying a protective order prior to the expiration date specified*
36 *in the order by a party other than the protected party, the party*
37 *who is protected by the order shall be given notice, pursuant to*
38 *subdivision (b) of Section 1005 of the Code of Civil Procedure, of*
39 *the proceeding by personal service or, if the protected party has*
40 *satisfied the requirements of Chapter 3.1 (commencing with Section*

6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.

(j) In a proceeding under this section, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of abuse. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of abuse in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of abuse and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(k) Upon the filing of a petition for protective orders under this section, the respondent shall be personally served with a copy of the petition, notice of the hearing or order to show cause, temporary restraining order, if any, and any declarations in support of the petition. Service shall be made at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(l) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to five years.

(m) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

1 (n) (1) *Either party may request a continuance of the hearing,*
2 *which the court shall grant on a showing of good cause. The*
3 *request may be made in writing before or at the hearing or orally*
4 *at the hearing. The court may also grant a continuance on its own*
5 *motion.*

6 (2) *If the court grants a continuance, any temporary restraining*
7 *order that has been granted shall remain in effect until the end of*
8 *the continued hearing, unless otherwise ordered by the court. In*
9 *granting a continuance, the court may modify or terminate a*
10 *temporary restraining order.*

11 (o) (1) *If a respondent, named in an order issued under this*
12 *section after a hearing, has not been served personally with the*
13 *order but has received actual notice of the existence and substance*
14 *of the order through personal appearance in court to hear the*
15 *terms of the order from the court, no additional proof of service*
16 *is required for enforcement of the order.*

17 (2) *If the respondent named in a temporary restraining order*
18 *is personally served with the order and notice of hearing with*
19 *respect to a restraining order or protective order based on the*
20 *temporary restraining order, but the respondent does not appear*
21 *at the hearing, either personally or by an attorney, and the terms*
22 *and conditions of the restraining order or protective order issued*
23 *at the hearing are identical to the temporary restraining order,*
24 *except for the duration of the order, then the restraining order or*
25 *protective order issued at the hearing may be served on the*
26 *respondent by first-class mail sent to the respondent at the most*
27 *current address for the respondent that is available to the court.*

28 (3) *The Judicial Council form for temporary orders issued*
29 *pursuant to this subdivision shall contain a statement in*
30 *substantially the following form:*

31
32 *“If you have been personally served with a temporary restraining*
33 *order and notice of hearing, but you do not appear at the hearing*
34 *either in person or by a lawyer, and a restraining order that is the*
35 *same as this temporary restraining order except for the expiration*
36 *date is issued at the hearing, a copy of the order will be served on*
37 *you by mail at the following address:_____.*

38 *If that address is not correct or you wish to verify that the*
39 *temporary restraining order was converted to a restraining order*

1 *at the hearing without substantive change and to find out the*
2 *duration of that order, contact the clerk of the court.”*

3
4 *(p) (1) Information on a protective order relating to elder or*
5 *dependent adult abuse issued by a court pursuant to this section*
6 *shall be transmitted to the Department of Justice in accordance*
7 *with either paragraph (2) or (3).*

8 *(2) The court shall order the petitioner or the attorney for the*
9 *petitioner to deliver a copy of an order issued under this section,*
10 *or a reissuance, extension, modification, or termination of the*
11 *order, and any subsequent proof of service, by the close of the*
12 *business day on which the order, reissuance, extension,*
13 *modification, or termination was made, to each law enforcement*
14 *agency having jurisdiction over the residence of the petitioner,*
15 *and to any additional law enforcement agencies within the court’s*
16 *discretion as are requested by the petitioner.*

17 *(3) Alternatively, the court or its designee shall transmit, within*
18 *one business day, to law enforcement personnel all information*
19 *required under subdivision (b) of Section 6380 of the Family Code*
20 *regarding any order issued under this section, or a reissuance,*
21 *extension, modification, or termination of the order, and any*
22 *subsequent proof of service, by either one of the following methods:*

23 *(A) Transmitting a physical copy of the order or proof of service*
24 *to a local law enforcement agency authorized by the Department*
25 *of Justice to enter orders into the California Law Enforcement*
26 *Telecommunications System (CLETS).*

27 *(B) With the approval of the Department of Justice, entering*
28 *the order or proof of service into CLETS directly.*

29 *(4) Each appropriate law enforcement agency shall make*
30 *available information as to the existence and current status of*
31 *these orders to law enforcement officers responding to the scene*
32 *of reported abuse.*

33 *(5) An order issued under this section shall, on request of the*
34 *petitioner, be served on the respondent, whether or not the*
35 *respondent has been taken into custody, by any law enforcement*
36 *officer who is present at the scene of reported abuse involving the*
37 *parties to the proceeding. The petitioner shall provide the officer*
38 *with an endorsed copy of the order and a proof of service, which*
39 *the officer shall complete and send to the issuing court.*

1 (6) Upon receiving information at the scene of an incident of
2 abuse that a protective order has been issued under this section,
3 or that a person who has been taken into custody is the respondent
4 to that order, if the protected person cannot produce an endorsed
5 copy of the order, a law enforcement officer shall immediately
6 attempt to verify the existence of the order.

7 (7) If the law enforcement officer determines that a protective
8 order has been issued, but not served, the officer shall immediately
9 notify the respondent of the terms of the order and where a written
10 copy of the order can be obtained, and the officer shall at that time
11 also enforce the order. The law enforcement officer's verbal notice
12 of the terms of the order shall constitute service of the order and
13 is sufficient notice for the purposes of this section and for the
14 purposes of Section 273.6 of the Penal Code.

15 (q) Nothing in this section shall preclude either party from
16 representation by private counsel or from appearing on the party's
17 own behalf.

18 (r) There is no filing fee for a petition, response, or paper
19 seeking the reissuance, modification, or enforcement of a protective
20 order filed in a proceeding brought pursuant to this section.

21 (s) Pursuant to paragraph (4) of subdivision (b) of Section
22 6103.2 of the Government Code, a petitioner shall not be required
23 to pay a fee for law enforcement to serve an order issued under
24 this section.

25 (t) The prevailing party in an action brought under this section
26 may be awarded court costs and attorney's fees, if any.

27 (u) (1) A person subject to a protective order under this section
28 shall not own, possess, purchase, receive, or attempt to receive a
29 firearm or ammunition while the protective order is in effect.

30 (2) The court shall order a person subject to a protective order
31 issued under this section to relinquish any firearms he or she owns
32 or possesses pursuant to Section 527.9 of the Code of Civil
33 Procedure.

34 (3) Every person who owns, possesses, purchases, or receives,
35 or attempts to purchase or receive a firearm or ammunition while
36 subject to a protective order issued under this section is punishable
37 pursuant to Section 29825 of the Penal Code.

38 (4) This subdivision does not apply in a case in which a
39 protective order issued under this section was made solely on the

1 basis of financial abuse unaccompanied by force, threat,
2 harassment, intimidation, or any other form of abuse.

3 (v) In a proceeding brought under paragraph (3) of subdivision
4 (a), all of the following apply:

5 (1) Upon the filing of a petition for a protective order, the elder
6 or dependent adult on whose behalf the petition has been filed
7 shall receive a copy of the petition, a notice of the hearing, and
8 any declarations submitted in support of the petition. The elder or
9 dependent adult shall receive this information at least five days
10 before the hearing. The court may, on motion of the petitioner or
11 on its own motion, shorten the time for provision of this information
12 to the elder or dependent adult.

13 (2) The adult protective services agency shall make reasonable
14 efforts to assist the elder or dependent adult to attend the hearing
15 and provide testimony to the court, if he or she wishes to do so. If
16 the elder or dependent adult does not attend the hearing, the
17 agency shall provide information to the court at the hearing
18 regarding the reasons why the elder or dependent adult is not in
19 attendance.

20 (3) Upon the filing of a petition for a protective order and upon
21 issuance of an order granting the petition, the county adult
22 protective services agency shall take all reasonable steps to provide
23 for the safety of the elder or dependent adult, pursuant to Chapter
24 13 (commencing with Section 15750), which may include, but are
25 not limited to, facilitating the location of alternative
26 accommodations for the elder or dependent adult, if needed.

27 (w) Any willful disobedience of any temporary restraining order
28 or restraining order after hearing granted under this section is
29 punishable pursuant to Section 273.6 of the Penal Code.

30 (x) This section does not apply to any action or proceeding
31 governed by Title 1.6C (commencing with Section 1788) of Part
32 4 of Division 3 of the Civil Code, Chapter 3 (commencing with
33 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
34 or Division 10 (commencing with Section 6200) of the Family
35 Code. Nothing in this section shall preclude a petitioner's right
36 to use other existing civil remedies.

37 (y) The Judicial Council shall develop forms, instructions, and
38 rules relating to matters governed by this section. The petition and
39 response forms shall be simple and concise, and shall be used by
40 parties in actions brought pursuant to this section.

1 (z) *This section shall become operative on July 1, 2016.*

2 SEC. 4.3. *Section 15657.03 is added to the Welfare and*
3 *Institutions Code, to read:*

4 15657.03. (a) (1) *An elder or dependent adult who has*
5 *suffered abuse may seek protective orders as provided in this*
6 *section.*

7 (2) *A petition may be brought on behalf of an abused elder or*
8 *dependent adult by a conservator or a trustee of the elder or*
9 *dependent adult, an attorney-in-fact of an elder or dependent adult*
10 *who acts within the authority of a power of attorney, a person*
11 *appointed as a guardian ad litem for the elder or dependent adult,*
12 *or other person legally authorized to seek the relief.*

13 (3) (A) *A petition under this section may be brought on behalf*
14 *of an elder or dependent adult by a county adult protective services*
15 *agency in either of the following circumstances:*

16 (i) *If the elder or dependent adult has suffered abuse as defined*
17 *in subdivision (b) and has an impaired ability to appreciate and*
18 *understand the circumstances that place him or her at risk of harm.*

19 (ii) *If the elder or dependent adult has provided written*
20 *authorization to a county adult protective services agency to act*
21 *on his or her behalf.*

22 (B) *In the case of a petition filed pursuant to clause (i) of*
23 *subparagraph (A) by a county adult protective services agency, a*
24 *referral shall be made to the public guardian consistent with*
25 *Section 2920 of the Probate Code prior to or concurrent with the*
26 *filing of the petition, unless a petition for appointment of a*
27 *conservator has already been filed with the probate court by the*
28 *public guardian or another party.*

29 (C) *A county adult protective services agency shall be subject*
30 *to any confidentiality restrictions that otherwise apply to its*
31 *activities under law and shall disclose only those facts as necessary*
32 *to establish reasonable cause for the filing of the petition,*
33 *including, in the case of a petition filed pursuant to clause (i) of*
34 *subparagraph (A), to establish the agency's belief that the elder*
35 *or dependent adult has suffered abuse and has an impaired ability*
36 *to appreciate and understand the circumstances that place him or*
37 *her at risk, and as may be requested by the court in determining*
38 *whether to issue an order under this section.*

39 (b) *For the purposes of this section:*

40 (1) *"Abuse" has the meaning set forth in Section 15610.07.*

1 (2) “Conservator” means the legally appointed conservator of
2 the person or estate of the petitioner, or both.

3 (3) “Petitioner” means the elder or dependent adult to be
4 protected by the protective orders and, if the court grants the
5 petition, the protected person.

6 (4) “Protective order” means an order that includes any of the
7 following restraining orders, whether issued *ex parte*, after notice
8 and hearing, or in a judgment:

9 (A) An order enjoining a party from abusing, intimidating,
10 molesting, attacking, striking, stalking, threatening, sexually
11 assaulting, battering, harassing, telephoning, including, but not
12 limited to, making annoying telephone calls as described in Section
13 653m of the Penal Code, destroying personal property, contacting,
14 either directly or indirectly, by mail or otherwise, or coming within
15 a specified distance of, or disturbing the peace of, the petitioner,
16 and, in the discretion of the court, on a showing of good cause, of
17 other named family or household members or a conservator, if
18 any, of the petitioner. On a showing of good cause, in an order
19 issued pursuant to this subparagraph in connection with an animal
20 owned, possessed, leased, kept, or held by the petitioner, or
21 residing in the residence or household of the petitioner, the court
22 may do either or both of the following:

23 (i) Grant the petitioner exclusive care, possession, or control
24 of the animal.

25 (ii) Order the respondent to stay away from the animal and
26 refrain from taking, transferring, encumbering, concealing,
27 molesting, attacking, striking, threatening, harming, or otherwise
28 disposing of the animal.

29 (B) An order excluding a party from the petitioner’s residence
30 or dwelling, except that this order shall not be issued if legal or
31 equitable title to, or lease of, the residence or dwelling is in the
32 sole name of the party to be excluded, or is in the name of the party
33 to be excluded and any other party besides the petitioner.

34 (C) An order enjoining a party from specified behavior that the
35 court determines is necessary to effectuate orders described in
36 subparagraph (A) or (B).

37 (5) “Respondent” means the person against whom the protective
38 orders are sought and, if the petition is granted, the restrained
39 person.

1 (c) An order may be issued under this section, with or without
2 notice, to restrain any person for the purpose of preventing a
3 recurrence of abuse, if a declaration shows, to the satisfaction of
4 the court, reasonable proof of a past act or acts of abuse of the
5 petitioning elder or dependent adult.

6 (d) Upon filing a petition for protective orders under this
7 section, the petitioner may obtain a temporary restraining order
8 in accordance with Section 527 of the Code of Civil Procedure,
9 except to the extent this section provides a rule that is inconsistent.
10 The temporary restraining order may include any of the protective
11 orders described in paragraph (4) of subdivision (b). However,
12 the court may issue an ex parte order excluding a party from the
13 petitioner's residence or dwelling only on a showing of all of the
14 following:

15 (1) Facts sufficient for the court to ascertain that the party who
16 will stay in the dwelling has a right under color of law to
17 possession of the premises.

18 (2) That the party to be excluded has assaulted or threatens to
19 assault the petitioner, other named family or household member
20 of the petitioner, or a conservator of the petitioner.

21 (3) That physical or emotional harm would otherwise result to
22 the petitioner, other named family or household member of the
23 petitioner, or a conservator of the petitioner.

24 (e) A request for the issuance of a temporary restraining order
25 without notice under this section shall be granted or denied on the
26 same day that the petition is submitted to the court, unless the
27 petition is filed too late in the day to permit effective review, in
28 which case the order shall be granted or denied on the next day
29 of judicial business in sufficient time for the order to be filed that
30 day with the clerk of the court.

31 (f) Within 21 days, or, if good cause appears to the court, 25
32 days, from the date that a request for a temporary restraining
33 order is granted or denied, a hearing shall be held on the petition.
34 If no request for temporary orders is made, the hearing shall be
35 held within 21 days, or, if good cause appears to the court, 25
36 days, from the date that the petition is filed.

37 (g) The respondent may file a response that explains or denies
38 the alleged abuse.

39 (h) The court may issue, upon notice and a hearing, any of the
40 orders set forth in paragraph (4) of subdivision (b). The court may

1 issue, after notice and hearing, an order excluding a person from
2 a residence or dwelling if the court finds that physical or emotional
3 harm would otherwise result to the petitioner, other named family
4 or household member of the petitioner, or conservator of the
5 petitioner.

6 (i) (1) In the discretion of the court, an order issued after notice
7 and a hearing under this section may have a duration of not more
8 than five years, subject to termination or modification by further
9 order of the court either on written stipulation filed with the court
10 or on the motion of a party. These orders may be renewed upon
11 the request of a party, either for five years or permanently, without
12 a showing of any further abuse since the issuance of the original
13 order, subject to termination or modification by further order of
14 the court either on written stipulation filed with the court or on
15 the motion of a party. The request for renewal may be brought at
16 any time within the three months before the expiration of the order.

17 (2) The failure to state the expiration date on the face of the
18 form creates an order with a duration of three years from the date
19 of issuance.

20 (3) If an action is filed for the purpose of terminating or
21 modifying a protective order prior to the expiration date specified
22 in the order by a party other than the protected party, the party
23 who is protected by the order shall be given notice, pursuant to
24 subdivision (b) of Section 1005 of the Code of Civil Procedure, of
25 the proceeding by personal service or, if the protected party has
26 satisfied the requirements of Chapter 3.1 (commencing with Section
27 6205) of Division 7 of Title 1 of the Government Code, by service
28 on the Secretary of State. If the party who is protected by the order
29 cannot be notified prior to the hearing for modification or
30 termination of the protective order, the court shall deny the motion
31 to modify or terminate the order without prejudice or continue the
32 hearing until the party who is protected can be properly noticed
33 and may, upon a showing of good cause, specify another method
34 for service of process that is reasonably designed to afford actual
35 notice to the protected party. The protected party may waive his
36 or her right to notice if he or she is physically present in court and
37 does not challenge the sufficiency of the notice.

38 (j) In a proceeding under this section, a support person may
39 accompany a party in court and, if the party is not represented by
40 an attorney, may sit with the party at the table that is generally

1 reserved for the party and the party's attorney. The support person
2 is present to provide moral and emotional support for a person
3 who alleges he or she is a victim of abuse. The support person is
4 not present as a legal adviser and may not provide legal advice.
5 The support person may assist the person who alleges he or she
6 is a victim of abuse in feeling more confident that he or she will
7 not be injured or threatened by the other party during the
8 proceedings if the person who alleges he or she is a victim of abuse
9 and the other party are required to be present in close proximity.
10 This subdivision does not preclude the court from exercising its
11 discretion to remove the support person from the courtroom if the
12 court believes the support person is prompting, swaying, or
13 influencing the party assisted by the support person.

14 (k) Upon the filing of a petition for protective orders under this
15 section, the respondent shall be personally served with a copy of
16 the petition, notice of the hearing or order to show cause,
17 temporary restraining order, if any, and any declarations in
18 support of the petition. Service shall be made at least five days
19 before the hearing. The court may, on motion of the petitioner or
20 on its own motion, shorten the time for service on the respondent.

21 (l) A notice of hearing under this section shall notify the
22 respondent that if he or she does not attend the hearing, the court
23 may make orders against him or her that could last up to five years.

24 (m) The respondent shall be entitled, as a matter of course, to
25 one continuance, for a reasonable period, to respond to the
26 petition.

27 (n) (1) Either party may request a continuance of the hearing,
28 which the court shall grant on a showing of good cause. The
29 request may be made in writing before or at the hearing or orally
30 at the hearing. The court may also grant a continuance on its own
31 motion.

32 (2) If the court grants a continuance, any temporary restraining
33 order that has been granted shall remain in effect until the end of
34 the continued hearing, unless otherwise ordered by the court. In
35 granting a continuance, the court may modify or terminate a
36 temporary restraining order.

37 (o) (1) If a respondent, named in an order issued under this
38 section after a hearing, has not been served personally with the
39 order but has received actual notice of the existence and substance
40 of the order through personal appearance in court to hear the

1 *terms of the order from the court, no additional proof of service*
2 *is required for enforcement of the order.*

3 *(2) If the respondent named in a temporary restraining order*
4 *is personally served with the order and notice of hearing with*
5 *respect to a restraining order or protective order based on the*
6 *temporary restraining order, but the respondent does not appear*
7 *at the hearing, either personally or by an attorney, and the terms*
8 *and conditions of the restraining order or protective order issued*
9 *at the hearing are identical to the temporary restraining order,*
10 *except for the duration of the order, then the restraining order or*
11 *protective order issued at the hearing may be served on the*
12 *respondent by first-class mail sent to the respondent at the most*
13 *current address for the respondent that is available to the court.*

14 *(3) The Judicial Council form for temporary orders issued*
15 *pursuant to this subdivision shall contain a statement in*
16 *substantially the following form:*

17
18 *“If you have been personally served with a temporary restraining*
19 *order and notice of hearing, but you do not appear at the hearing*
20 *either in person or by a lawyer, and a restraining order that is the*
21 *same as this temporary restraining order except for the expiration*
22 *date is issued at the hearing, a copy of the order will be served on*
23 *you by mail at the following address:_____.*

24 *If that address is not correct or you wish to verify that the*
25 *temporary restraining order was converted to a restraining order*
26 *at the hearing without substantive change and to find out the*
27 *duration of that order, contact the clerk of the court.”*

28
29 *(p) (1) Information on a protective order relating to elder or*
30 *dependent adult abuse issued by a court pursuant to this section*
31 *shall be transmitted to the Department of Justice in accordance*
32 *with either paragraph (2) or (3).*

33 *(2) The court shall order the petitioner or the attorney for the*
34 *petitioner to deliver a copy of an order issued under this section,*
35 *or a reissuance, extension, modification, or termination of the*
36 *order, and any subsequent proof of service, by the close of the*
37 *business day on which the order, reissuance, extension,*
38 *modification, or termination was made, to each law enforcement*
39 *agency having jurisdiction over the residence of the petitioner,*

1 *and to any additional law enforcement agencies within the court's*
2 *discretion as are requested by the petitioner.*

3 *(3) Alternatively, the court or its designee shall transmit, within*
4 *one business day, to law enforcement personnel all information*
5 *required under subdivision (b) of Section 6380 of the Family Code*
6 *regarding any order issued under this section, or a reissuance,*
7 *extension, modification, or termination of the order; and any*
8 *subsequent proof of service, by either one of the following methods:*

9 *(A) Transmitting a physical copy of the order or proof of service*
10 *to a local law enforcement agency authorized by the Department*
11 *of Justice to enter orders into the California Law Enforcement*
12 *Telecommunications System (CLETS).*

13 *(B) With the approval of the Department of Justice, entering*
14 *the order or proof of service into CLETS directly.*

15 *(4) Each appropriate law enforcement agency shall make*
16 *available information as to the existence and current status of*
17 *these orders to law enforcement officers responding to the scene*
18 *of reported abuse.*

19 *(5) An order issued under this section shall, on request of the*
20 *petitioner, be served on the respondent, whether or not the*
21 *respondent has been taken into custody, by any law enforcement*
22 *officer who is present at the scene of reported abuse involving the*
23 *parties to the proceeding. The petitioner shall provide the officer*
24 *with an endorsed copy of the order and a proof of service, which*
25 *the officer shall complete and send to the issuing court.*

26 *(6) Upon receiving information at the scene of an incident of*
27 *abuse that a protective order has been issued under this section,*
28 *or that a person who has been taken into custody is the respondent*
29 *to that order, if the protected person cannot produce an endorsed*
30 *copy of the order, a law enforcement officer shall immediately*
31 *attempt to verify the existence of the order.*

32 *(7) If the law enforcement officer determines that a protective*
33 *order has been issued, but not served, the officer shall immediately*
34 *notify the respondent of the terms of the order and where a written*
35 *copy of the order can be obtained, and the officer shall at that time*
36 *also enforce the order. The law enforcement officer's verbal notice*
37 *of the terms of the order shall constitute service of the order and*
38 *is sufficient notice for the purposes of this section and for the*
39 *purposes of Section 273.6 of the Penal Code.*

1 (q) Nothing in this section shall preclude either party from
2 representation by private counsel or from appearing on the party's
3 own behalf.

4 (r) There is no filing fee for a petition, response, or paper
5 seeking the reissuance, modification, or enforcement of a protective
6 order filed in a proceeding brought pursuant to this section.

7 (s) Pursuant to paragraph (4) of subdivision (b) of Section
8 6103.2 of the Government Code, a petitioner shall not be required
9 to pay a fee for law enforcement to serve an order issued under
10 this section.

11 (t) The prevailing party in an action brought under this section
12 may be awarded court costs and attorney's fees, if any.

13 (u) (1) A person subject to a protective order under this section
14 shall not own, possess, purchase, receive, or attempt to receive a
15 firearm or ammunition while the protective order is in effect.

16 (2) The court shall order a person subject to a protective order
17 issued under this section to relinquish any firearms he or she owns
18 or possesses pursuant to Section 527.9 of the Code of Civil
19 Procedure.

20 (3) Every person who owns, possesses, purchases, or receives,
21 or attempts to purchase or receive a firearm or ammunition while
22 subject to a protective order issued under this section is punishable
23 pursuant to Section 29825 of the Penal Code.

24 (4) This subdivision does not apply in a case in which a
25 protective order issued under this section was made solely on the
26 basis of financial abuse unaccompanied by force, threat,
27 harassment, intimidation, or any other form of abuse.

28 (v) In a proceeding brought under paragraph (3) of subdivision
29 (a), all of the following apply:

30 (1) Upon the filing of a petition for a protective order, the elder
31 or dependent adult on whose behalf the petition has been filed
32 shall receive a copy of the petition, a notice of the hearing, and
33 any declarations submitted in support of the petition. The elder or
34 dependent adult shall receive this information at least five days
35 before the hearing. The court may, on motion of the petitioner or
36 on its own motion, shorten the time for provision of this information
37 to the elder or dependent adult.

38 (2) The adult protective services agency shall make reasonable
39 efforts to assist the elder or dependent adult to attend the hearing
40 and provide testimony to the court, if he or she wishes to do so. If

1 the elder or dependent adult does not attend the hearing, the
2 agency shall provide information to the court at the hearing
3 regarding the reasons why the elder or dependent adult is not in
4 attendance.

5 (3) Upon the filing of a petition for a protective order and upon
6 issuance of an order granting the petition, the county adult
7 protective services agency shall take all reasonable steps to provide
8 for the safety of the elder or dependent adult, pursuant to Chapter
9 13 (commencing with Section 15750), which may include, but are
10 not limited to, facilitating the location of alternative
11 accommodations for the elder or dependent adult, if needed.

12 (w) Any willful disobedience of any temporary restraining order
13 or restraining order after hearing granted under this section is
14 punishable pursuant to Section 273.6 of the Penal Code.

15 (x) This section does not apply to any action or proceeding
16 governed by Title 1.6C (commencing with Section 1788) of Part
17 4 of Division 3 of the Civil Code, Chapter 3 (commencing with
18 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
19 or Division 10 (commencing with Section 6200) of the Family
20 Code. Nothing in this section shall preclude a petitioner's right
21 to use other existing civil remedies.

22 (y) The Judicial Council shall develop forms, instructions, and
23 rules relating to matters governed by this section. The petition and
24 response forms shall be simple and concise, and shall be used by
25 parties in actions brought pursuant to this section.

26 (z) This section shall become operative on July 1, 2016.

27 SEC. 5. (a) Sections 3.1 and 4.1 of this bill incorporate
28 amendments to Section 15657.03 of the Welfare and Institutions
29 Code proposed by both this bill and Assembly Bill 494. It shall
30 only become operative if (1) both bills are enacted and become
31 effective on or before January 1, 2016, (2) each bill amends Section
32 15657.03 of the Welfare and Institutions Code, and (3) Assembly
33 Bill 1081 is not enacted or as enacted does not amend that section,
34 and (4) this bill is enacted after Assembly Bill 494, in which case
35 Sections 3, 3.2, 3.3, 4, 4.2, and 4.3 of this bill shall not become
36 operative.

37 (b) Sections 3.2 and 4.2 of this bill incorporate amendments to
38 Section 15657.03 of the Welfare and Institutions Code proposed
39 by both this bill and Assembly Bill 1081. It shall only become
40 operative if (1) both bills are enacted and become effective on or

1 *before January 1, 2016, (2) each bill amends Section 15657.03 of*
2 *the Welfare and Institutions Code, (3) Assembly Bill 494 is not*
3 *enacted or as enacted does not amend that section, and (4) this*
4 *bill is enacted after Assembly Bill 1081, in which case Sections 3,*
5 *3.1, 3.3, 4, 4.1, and 4.3 of this bill shall not become operative.*

6 *(c) Sections 3.3 and 4.3 of this bill incorporate amendments to*
7 *Section 15657.03 of the Welfare and Institutions Code proposed*
8 *by this bill, Assembly Bill 494, and Assembly Bill 1081. It shall*
9 *only become operative if (1) all three bills are enacted and become*
10 *effective on or before January 1, 2016, (2) all three bills amend*
11 *Section 15657.03 of the Welfare and Institutions Code, and (3)*
12 *this bill is enacted after Assembly Bill 494 and Assembly Bill 1081,*
13 *in which case Sections 3, 3.1, 3.2, 4, 4.1, and 4.2 of this bill shall*
14 *not become operative.*